THE MEDIÆVAL INQUISITION

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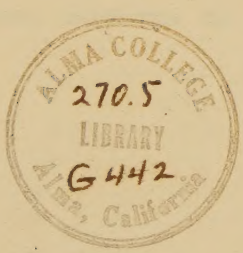
BY
JEAN GUIRAUD

TRANSLATED BY
E. C. MESSENGER



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A NOTE ON THE AUTHOR

MONSIEUR JEAN GUIRAUD was born at Quillan in the upper valley of the Aude on June 24, 1866, and very soon devoted himself to the study of history. A pupil at the École Normale Supérieure, he was led to take up religious history through the Abbé Duchesne, whose lectures he attended at the École des Hautes Études, and who had him sent to the École Française in Rome. For a period of three years he studied the Vatican Archives, and took back with him to France copies of a mass of unpublished documents. He published many of these, including more than five thousand Papal bulls of the thirteenth century.

Coming as he does from the country in which S. Dominic founded the Order of Preachers and which after the defeat of the Albigenses saw the beginnings of the Inquisition, he has for some time made a study of the Albigensian heresy and its repression by the Holy Office. These prolonged researches resulted in an important work, *L'Albigéisme languedocien au XIIe et au XIIIe siècle*, in which the teaching of the Cathari, their organisation and their activities in the South of France are set forth in the light of the Registers of the Inquisition. This he followed up with more than seven hundred unpublished documents on the first century of the first convent of the Dominican order, that at Prouille.

He profited by his study of the Vatican Archives also by writing a work, *L'Église Romaine et les Origines de la Renaissance.*

For twenty years he occupied a chair of History. Afterwards he became chief editor of *La Croix*, but he has not altogether abandoned his historical penchant, as the present volume shows.

THE MEDIÆVAL INQUISITION

INTRODUCTION

THE reader may wonder what there remains to be said about the Inquisition after so many have dealt with this much discussed question. Enemies of the Church have denounced the horrors of the Inquisition in order to arouse the masses against a clericalism capable of every kind of cruelty. Apologists have replied by whitewashing the Inquisition, and historians of all nations have written numerous studies on this burning subject based on new materials. Do we not run the risk simply of repeating once again what is already known to well-informed persons, and if we wish to pass judgement on this institution, must we not of necessity range ourselves, or worse still, be regarded by others, either as an advocate or a critic?

Can anyone really make use of new material, or new facts? And can anyone pretend to be objective in a matter of this kind? And if a negative answer must be given to this question, why add another book to the already long list of works on the Inquisition?

We have set aside these objections because we consider that even if there is little in the way of fresh material, we can at any rate endeavour to set things forth in a clearer light, after the old saying, "Non nova, sed nove."

And after all is it really the case that there is nothing

more to say? Many archives which were jealously guarded or opened only to a few privileged persons have been opened up and explored for half a century now, and in the first place, the most important archives of all for religious history, the Vatican Archives. Scholars of every nation have worked there and have found documents or even collections of documents which modify or rectify solutions which were previously regarded as definitive. A convincing example of this is the Bullarium of the Inquisition in France in the fourteenth century, consisting of bulls, for the most part unpublished, which the Abbé Vidal has found in the Vatican Archives. We have made use of these documents here in order to explain exactly how the Inquisition functioned in the Middle Ages. A similar service has been rendered to historians by the publication by Mgr. Douais of historical documents concerning the Inquisition in the South of France.

These new documents lead us to revise and sometimes to correct on more than one point the general Histories of the Inquisition in the Middle Ages, especially that of Dr. Lea. The learning displayed in this work cannot be questioned, but a very short acquaintance with it suffices to reveal two serious faults. First, we look in vain for the *lucidus ordo* characteristic of French science. And even after one has used the work for a long time, it is difficult to find again something which we may quite well remember to have seen in the work, because it is so badly arranged. Secondly, the author in writing it was not able to divest himself of the violent hatred of the Catholic Church which characterises most of his historical works. True, he sometimes endeavours to overcome these prejudices, and we willingly acknowledge the judgements he passes on certain accusations against the Inquisition made by his friends and co-religionists; but nevertheless, more often his narrative degenerates

into a passionate and unjust tirade. The new collections of texts recently published enable us to distinguish between what in the work of Dr. Lea is really science, and what is merely pamphleteering.

Nevertheless, it is not so much by documentation but rather by the method employed that we can still write a work in a certain measure original on the Inquisition. Almost always this subject has been approached with ideas at the back of the mind which are foreign and sometimes contrary to the scientific spirit, and so the more objective one is, the more chance one has of being original. We have endeavoured to be objective: it is for the reader to say whether we have succeeded.

We have not set out to defend any a priori thesis, and accordingly, we have not discussed the question whether or not the Church had the right to use force in the repression of heresy. We do not deny the importance of this problem from the theological and canonical, and even the historical points of view, but we prefer that it should be presented to readers not so much in the form of a scholastic syllogism but rather in the form of a simple exposition of facts. For the same reason we have abstained as far as possible from passing judgement on men and institutions, doing so only when our conclusions are but the summing up of the facts already narrated. By thus allowing the texts to speak for themselves, we have endeavoured to avoid the two evils to be avoided in a study of this kind, the apology for or the condemnation of Catholicism or of its adversaries, of the Inquisition or of heresy. Above all, we have endeavoured to write *history*.

And this is, we are convinced, the only way to explain the Inquisition, or to understand it. The apologist and the accuser tend to see only certain aspects of the subject; the former will regard the sentences passed by the Inquisition simply as judgements dictated by a

supernatural motive, and in virtue of a transcendent power, a motive and power which cannot be wholly changed by the mistakes and faults of individuals. The accuser will regard them as acts of tyranny, and as crimes all the more revolting because their perpetrators invoked the divine authority when crushing the freedom of the mind and the voice of conscience by torture and by fire.

A historian, on the other hand, will study the facts and will derive therefrom many different points of view, and will combine together these various aspects into a general view in which he will display the Inquisition actually at work to the reader, showing it, not as it is pictured by its detractors or its apologists, not even as it was intended to be by its authors, but as it actually was in reality, and that not only at a given moment, but in the whole course of its evolution.

The Inquisition was primarily a tribunal. A tribunal consists of accused and judges, and these two groups are functions one of the other. To separate them, to study one and neglect the other, would be to change seriously the very institution which is to be described, and run the risk of not understanding it, for the accused enable us to understand the judges, and the judges the accused.

Hence we have endeavoured to describe both the Inquisition, and the heresies which it repressed, both the doctrines of the accused, and their repression by the judges. In dealing with the Inquisition in the South of France, we have given an account of the theological, moral, political and social teaching of the Cathari and their followers, and also of their organisation and actions, as well as the tribunal which repressed them. We have adopted the same method in explaining the doctrine and activities of the Waldenses, the Spirituals, the Fraticelli, the Lollards, the sorcerers, and the Jews, as

they appeared to the judges of the Holy Office who condemned them. An exposition of this kind enables us to understand the religious, political, and social factors which thus led to the mutual opposition between the Inquisition and heresy. And after all, a historian must not be content with describing institutions, he ought in addition to explain them, and their *raisons d'être* he should seek not in his own a priori ideas, but in the facts themselves.

The Inquisition was a tribunal. But the judgements of every tribunal presuppose on the one hand a law definitely formulated, and on the other, sentences which apply the law by adapting it to a particular case that the juridical text cannot foresee, that is to say, a rigid legislation, and an essentially variable jurisprudence. We should only get a wrong idea of the Inquisition if we studied merely the pontifical constitutions and the canons of councils which defined its procedure and its penal code. If we want to study the facts more closely, we must also see exactly how the Holy Office functioned in point of fact, and to what extent it kept to the letter of the law, or interpreted it, either by enlarging or by restricting its application,

It is sometimes urged, for instance, that the procedure of the Inquisition refused to the accused the services of a lawyer, and the enemies of the Church invoke this, accusing her of having denied the right of defence to the accused in this way precisely in order to deliver him hand and foot to the cruelty of fanatical judges. And certain apologists of the Church—such as Mgr. d'Hulst in the pulpit of Notre Dame—have declared that Catholicism must throw the Inquisition overboard because on this important point it cannot be defended.

But the trial of Joan of Arc—which was a trial by the Inquisition—shows us inquisitors asking the accused if she had chosen her lawyers, and the accounts of other

cases mention the fees which were paid for the defender of the prisoners of the Holy Office, an evident proof that the Inquisition allowed lawyers for defence, and that accordingly we must distinguish between the letter of the law which did in fact *sometimes* forbid the service of lawyers and jurisprudence, and usage and custom which permitted it. We see from this example how indispensable it is to examine at the same time both theory and practice. Hence we have endeavoured to study the Inquisition not only according to its legal code, but also and above all as it actually functioned.

Lastly, the Inquisition was a human institution, and like everything human, it developed. Now the mistake of almost all those who condemn it, and also of the majority of those who defend it, is to think that it was always the same, and that it is possible to pass a comprehensive judgement, either favourable or unfavourable, upon it as a whole. At the most it is conceded that there was some difference between the Spanish Inquisition of Torquemada, and the Inquisition of the Middle Ages which is associated with S. Dominic and the Friars Preachers. This gives rise to judgements which fail to explain certain contrasts, such as the following: If there was ever an Institution which was Papal in its origin, it was the Mediæval Inquisition. Its first rules were laid down for it at Toulouse in the name of the Holy See by a Papal legate, Cardinal Romano of Sant' Angelo. The inquisitors acted in the name of the Pope, from whom they derived their functions, *auctoritate apostolica;* and they depended only on him in the exercise of those functions. But in view of this, how are we to explain that in the case of the Templars, which happened less than a hundred years after the establishment of the Inquisition, this papal tribunal acted manifestly against the Pope Clement V, and in the interests of the King of France, Philippe le Bel?

This evidently means that in less than a century, the Inquisition had changed so much that from being a papal tribunal defending the faith against heresy, *negotium fidei*, it had gradually become in reality, although apparently the same as before, a more or less political tribunal, subject to the influence of the king far more than to that of the Pope. If this be the case, then the judgement of history on the Inquisition and on its action must depend upon its actual character at the time, and in any case must be very carefully worded.

Another much too simple view of history ascribes to the Church alone the institution of the Inquisition, and in consequence, all the odium of its judgements and its *autos-da-fé*. A more profound study of the texts shows, on the contrary, that many powers combined in the repression of heresy in the Middle Ages.

The remote ancestors of the Cathari against which was directed the Inquisition of the thirteenth century, namely, the Manichæans, were repressed with the utmost rigour by the Emperor Diocletian. Seeing that he persecuted Christianity still more cruelly, one can hardly imagine for a moment that his arm was directed against these unbelievers by the Church! Seven centuries later, the neo-Manichæans of Orleans were sentenced to death by King Albert, and not by the ecclesiastical authorities. In the twelth century, pontifical decrees did indeed declare severe punishments against heretics in France, England, Italy, and Germany, but these papal interventions had been demanded with insistence by the kings of France and England and by the Teutonic emperors; and in the thirteenth century we come across measures against heretics taken at the same time by secular princes, bishops, and popes. If these facts are studied without bias, in the simple light of the texts themselves, they lead to the conclusion that the Inquisition, that is to say, the seeking out of heretics and their

repression by penal measures, often very severe, was not the exclusive work of the Church, but that the civil authority joined equally in it, and even surpassed the Church, in the person of a pagan emperor who himself also persecuted Christianity.

This fact leads us to certain complex conclusions on the nature of the Inquisition itself, which we shall develop at the end of this book. Let it suffice for the moment to oppose to the too simple statements of certain historians the many and varied aspects of the question, and to remind them that to overlook them or to ignore them is to give an inadequate and therefore inexact picture of the reality.

This criticism applies to the majority of those who have written on the Inquisition, and explains why this subject, already so often treated, can be dealt with again by the use of new methods: *non nova, sed nove.*

This would not justify one in neglecting all that has hitherto been written on the Inquisition. In spite of the reserves we have above made in connection with Lea's *History of the Inquisition in the Middle Ages*, we have ourselves read and consulted it many times with profit, and we will say the same of the work of M. de Cauzons, a pseudonym which conceals a priest who, in his desire to be impartial, displays an excessive severity towards the Holy Office. We have also made use of the work of the Abbé Vacandard on the Inquisition, in which we find the serious documentation and moderation in judgement which distinguish the works of this historian.

On the inquisitorial procedure, it would be impossible to dispense with the work of M. Tanon on the History of the Tribunals of the Inquisition in France, and the studies of M. Charles Molinus on the Inquisition of Toulouse, but these must be completed and sometimes corrected by Mgr. Douais' study on the Inquisition, and still more by the Documents published by this learned

prelate in the Collection of the Société d'Histoire de France, concerning the History of the Inquisition in Languedoc.

The last mentioned work has been particularly useful to us because, by publishing the sentences of the inquisitors, it reveals to our eyes their real method of procedure, not that which is laid down by the legislative texts, but that which they followed in practice, and which often differed from the former. The Bullarium of the Inquisition in France in the Fourteenth Century, collected and commented on by M. Vidal, has rendered us similar services, because it enabled us to assist at many an inquisitorial process.

Together with the Inquisition, we have also studied the heretics it opposed, their docrines, practices, and organisation.

In the thirteenth century, the Inquisition chiefly opposed the neo-Manichæan Cathari, not only in Languedoc, but also in the rest of France, in Italy, the Iberian peninsula, and in Germany. In our account of the Cathari of the South of France, generally known as the Albigenses, we have simply given a summary of the long study published some fifteen years ago, by the present writer, on the Albigenses in Languedoc in the Twelfth Century. Taking as a basis the Manuals of the Inquisitors, and drawing on the Registers of the Inquisition, the majority of which have disappeared, but authentic copies of which are conserved in the Doat Collection, we have endeavoured to reconstitute the metaphysical, theological, moral, and social doctrines of the Albigenses from the declarations of these heretics themselves, and to show the considerable place they occupied, before the establishment of the Inquisition, in all classes of society and in all grades of the social hierarchy.

In other countries, original studies or collections

of documents have given us similar information about the Cathari and their followers. Amongst them we may mention a work by the learned Professor of the Munich Faculty of Theology, who became after 1870 one of the heads of the Old Catholics, Döllinger, namely, the work entitled *Beiträge zur Sektengeschichte des Mittelalters.*[1]

Although many heretics were arrested on the double charge of being Cathari and Waldenses, these two doctrines were nevertheless distinct, as was already shown in 1834 in a thesis presented to the University of Leyden under this title : *Disputatio academica de Valdensium secta ab Albigensibus bene distinguenda*, by Jas. This distinction was already noted in the thirteenth and fourteenth centuries in the Manuals of Inquisitors, and in particular by those of Moneta and Bernard Gui, and it is on their authoritative witness that the sect of the Waldenses has been described to us by M. Comba in his *Histoire des Vaudois*, and more recently by M. Marx in his study on the Inquisition in Dauphiné.

In the fourteenth and fifteenth centuries, the Holy Office waged war with untiring zeal against all those heretics, Spirituals, Fraticelli, Bizocchi, and Beguins, who wanted to impose on the whole Christian people the practice of absolute poverty, and who announced the speedy coming of the Holy Ghost in order to complete by absorbtion the work of Christ. These doctrines led to a great number of controversies within the Franciscan order on the one hand, and on the other between Catholics and heretics, and the bibliography on this subject alone would be so extensive that it would of itself demand a whole volume. We select for mention for those

[1] Detailed bibliographies on the Cathari will be found at the end of the study by the present writer on *L'Albigéisme languedocien au XIIe siècle*, p. cccxlii, and also in articles on the Inquisition and the Albigenses, the former in the *Dictionnaire d'apologétique de la foi catholique*, and the latter in the *Dictionnaire d'histoire et de géographie ecclésiastiques.*

particularly interested in this question the studies devoted to the defenders and propagators of these doctrines, such as those of M. Edouard Jordan on Joachim of Flora in the *Dictionnaire de théologie catholique*, P. Callaey on Ubertino da Casale, Hauréau on Bernard Delicieux and the Albigensian Inquisition, and the numerous general works published concerning the Franciscan order and the controversies which so profoundly convulsed it in the thirteenth century, of which one of the latest and best is that by P. Gratien on the History of the Foundation and Evolution of the Order of Friars Minor in the Thirteenth Century. Cardinal Ehrle has devoted many studies to the Spirituals and the Fraticelli. Lastly, we call attention to the general work of Tocco on heresy in the Middle Ages (*L'eresia nel medio evo*), and the collection of texts concerning heresies published in the eighteenth century by Du Plessis d'Argentré under the title *Collectio judiciorum de novis erroribus*, which is always worth consulting. We have ourselves made use of it in summarising the doctrines of Wyclif and his disciple John Huss.

In order to show how, from the time of Philippe le Bel, the Inquisition became more and more under the influence of the civil power, both in France and outside it, we have given a brief account of several inquisitorial processes which were inspired and conducted more on political grounds than by anxiety for orthodoxy, such as, for instance, the case of the Templars and of Joan of Arc.

For the former, the reader may be referred to the acts of the process, which were edited by Michelet, and many times republished, and also one might read with interest the biographies in the *Histoire littéraire de la France* of the three personages who directed it in the name of Philippe le Bel, namely, "Guillaume de Nogaret," by Renan, the one on "Cardinal Bérenger Frédol," and

that of the French inquisitor, " Guillaume de Paris," by Lajard.

As to the case of Joan of Arc, the documents have been published many times, and again latterly by M. Pierre Champion, and studied at length by those who edited them, and also in the numerous histories of Joan of Arc written in the last fifty years.

In the pages which follow, devoid as they deliberately are of any critical apparatus, the reader will easily recognise the texts and books which the author has utilised.

CHAPTER I

CATHARISM IN THE TWELFTH CENTURY

THE twelfth century witnessed the appearance in many countries, but more especially in the South of France, of a heresy which, by reason of its doctrines and the number of its adherents, was to constitute a great danger for the Catholic Church. Based on a doctrine of absolute pessimism, it saw nothing but evil and corruption in this world, and accordingly refused to allow that it was the work of a good God. The visible universe could only be the work of a being, powerful no doubt, but essentially evil, and this being was the Devil.

But over and above this world, these heretics believed in another, formed of incorruptible and blessed spirits, the creatures of an essentially good and infinitely powerful being, God.

Thus there were ranged against each other, at the head of the two opposing worlds of which they were the authors, two contrary principles in a state of permanent conflict, Satan, prince of the earth and of nature, and God, ruler of spirits and of Heaven.

Were these equally powerful, and destined to combat each other for ever? Or was one, the evil principle, inferior to the other, the good principle, and destined to succumb eventually to the blows of his victorious power? On this essential point, as on the conclusions which followed from it, these heretics were divided.

They were also divided as to the explanation of the

origin of these two opposed worlds. For some, matter was eternal, and the work of the Devil consisted in drawing it out of chaos by separating the four essential elements, fire, air, earth, and water, in order to combine them together. In this view, Satan was only the artist of matter, or the demiurge. Others, on the contrary, said that he was the creator of matter, having drawn it forth from nothing.

There were similar differences in the explanation of the world of spirits. For some, spirits existed from all time in the bosom of God, and came forth from him by an indefinite series of emanations or hypostases, similar to that by which the Son proceeds from the Father. According to others, on the contrary, spirits were drawn forth from nothing by a creative act of the good God.

Man by reason of his double nature, belongs to both these opposed worlds. His body, made of corruptible matter, was the work and the property of the Devil, but his soul, a pure spirit, could come only from God, and belongs to him. The union of soul and body in the human being is explained by these heretics by means of mythical narratives.

According to some, Adam was first an angel, sent by God to see how Lucifer was organising matter. When the Devil saw him thus spying on his work, he seized him, and shut him up in a body made of clay. 'Render what thou owest,' said the Devil to him, 'that is, submit thyself to matter.' Adam then threw himself at his feet and begged him to take pity on him, and to deliver him from the ignoble prison in which he was confined, promising to be at his service from thenceforth. The Devil refused, and forced him to pay his debt by accomplishing with Eve's help the work of the flesh. When this had been done, Adam was for ever mingled with matter, and with him all his descendants, inasmuch as

they arise by the most material act that can be thought of, the union of man and woman.

Other heretics explained the dualism in human nature in a manner resembling the Catholic doctrine. Before the creation of matter, in their view, Satan was the author of the revolt of the angels and of their fall. But when God punished the rebel angels, he at the same time provided them with a way of raising themselves once more by expiation. He allowed Satan to make use of them in order to give life to the bodies which he had just formed from clay, but which lacked the breath of life. Satan had rejoiced at this, because he thought that the rebel angels thus imprisoned by him in matter would belong to him for ever ; but in his limited wisdom he did not realise that he was only preparing his own defeat by providing in the prison of the body the trial and repentance which would enable the fallen spirits to regain the lost Paradise.

These heretics traced out this dualism both in humanity and in its history. The soul, they said, had remained ignorant of its nature, its fall into its bodily prison, and its destiny : these things only became known when Christ came on earth in order to reveal them to man. Accordingly, the history of the world could be divided into two great periods : that which preceded the coming of Christ, during which Satan reigned without opposition over an ignorant world, and that which has followed that coming, in the course of which the reign of Satan is challenged by the doctrine which releases the soul from its bodily captivity.

Thus, the Old Testament was the reign of Satan ; the God whom the carnal Jews worshipped under the name of Jehovah was Satan himself, and the Bible is simply the history of his domination over the Jewish race. ' The Cathari (for that is what these heretics were called) held the opposite doctrine to that of the Old Testament,

and what the latter ascribes to God they attributed to Satan. The patriarchs and prophets of the Old Law were in reality simply the sons of Belial, veritable demons raised up by their father to maintain his kingdom; and amongst their number these heretics included Enoch; Abraham, who derived circumcision from Satan; Moses, who, being evil himself, had many dealings with the devil, worked all his miracles at his command and with his help, received from him the Law on Sinai, and, under his inspiration, laid down all the rites of the Jewish religion, in order to have himself worshipped as a god; and lastly, the prophets who were raised up not by the good God, but by Satan in order to propagate, as Moses did, the worship of the Devil.'[1]

Of all these prophets, the Cathari singled out the last to appear, John the Baptist, as the object of a particular hatred. They said that he had been raised up by the Devil as the supreme means of preventing the work of Christ, whose forerunner was thus regarded as his most powerful opponent. The material baptism of water which he preached and conferred upon the multitude was invented in order to turn them away from the baptism of the spirit which Jesus introduced as a sign of his purely spiritual doctrine.

They were indeed aware of the numerous passages in the New Testament in which Christ and his disciples speak with respect of the Old Law; of the patriarchs, such as Abraham; of prophets such as David, the ancestor of Jesus himself; of Elias, and of all those whose testimony is invoked by the Saviour. But they maintained that in the decalogue and in the Old Testament as a whole, the Devil had cleverly mingled a little truth with a great mass of lies in order the better to deceive the human race.

Christ, say the Cathari, came upon earth to save

[1] Jean Guiraud, *L'Albigéisme languedocien au XIIe siècle*, p. xlix.

humanity, and on this point they agreed with the Catholics, but they differed when it came to defining the person and work of the Redeemer.

They often call him God, but they give various explanations of his divinity which are all contrary to the traditional conception. He was God because he was one of the numerous emanations from the good and eternal God. Some ascribe to Jesus, as an emanation or eon, a dignity surpassing all the other eons, because he was the only one adopted by the Supreme Being, of whom he thus became the Son, and whom he could accordingly call his Father.

A certain Catharist minister, Guillaume Fabre, of Pech-Hermer, thus explains to his followers the nature and mission of Christ: 'Seeing that his kingdom was being weakened under the action of the evil spirits, God asked of those who surrounded him, "Which among you would like to be my son, so that I may be his father?" As no one else replied, Jesus, who was his servant (*Christus qui erat bajulus Dei*), said to him, "I will be your son, and I will go wheresoever you will send me." Then God adopted him as a son, and sent him into the world in order to preach the divine name.'

However these various explanations may have differed from each other, the Cathari all agreed in denying the Incarnation. Seeing that all matter is fundamentally evil and the domain of Satan, how could God have been able to dwell in it by uniting himself to the flesh? He would have thereby have placed himself under the domination of the very one from whom he came to free humanity.

The Redeemer, then, could only be a pure spirit. But as on the other hand he wished to appear in this world in the senses of men, it was necessary that he should take upon himself the appearance of man. Start-

ing from this principle, the Cathari treated the earthly life of Christ as a perpetual phantasmagoria.

The Virgin Mary, again, was a pure spirit and only apparently human. Her maternity consisted only in the union of the two spirits who formed all her being, that of herself and that of her divine son. 'That is what a heretical doctor of Castelsarrasin, R. de Rodols, wanted to say when, taking the gospel term *obumbrare* in its etymological sense, he declared that the "Saviour came into this world as a shadow, and not in a real human body": "*Deus non venerat in beata Virgine, sed obumbraverat se ibi tantum.*"'[1]

The Gospels say that Jesus grew, led the same life as other men, ate, drank, and spoke. All these were pure appearances, replied the heretics. 'Omnia in similitudine facta fuisse.'

At least he suffered during his Passion, in order to redeem humanity by the pains of his bloody sacrifice? No, they replied, for, being a pure spirit, he could neither suffer nor die, and hence could not rise again: 'Non fuit passus in carne, non fuit mortuus corporat iter . . . non resurrexit vere quia mortuus non fuit.' But in this case what are we to think of the pathetic story of the Passion? This they explained either by the persistence of the phantasmagoria up to the Crucifixion, or else by the substitution of a real man expiating his own sin for the Christ who had disappeared. At Montesquieu, the Catharist minister Bonafos taught at the house of Guillaume de Villèle that 'on the Cross, Christ was figured or represented by a robber, as guilty as the two thieves at his side. Accordingly, there was nothing revolting in this punishment, seeing that the one who represented Jesus was expiating his own crimes. According to another heretic, Limosus Nègre, this man had already passed through several existences, by

[1] Jean Guiraud, *op. cit.*, p. lxi.

metempsychosis, and in one of these he had committed murders and fornications. He adds that that is why he was struck with the lance : being guilty of homicide, he fell under the sentence which condemns whosoever kills by the sword to perish by the sword. The Jews, the agents of the Devil, thought that they were crucifying the Son of God, but they were in possession only of a common robber ; on Calvary, as in the day of the creation of man, the Father of lies had deceived himself.' (p. lvii).[1]

Moreover, according to the Cathari, the Redemption was not an expiation, but a teaching ; to free souls from the domination of Satan it was sufficient to teach them how they could liberate themselves from the prison of their bodies and become once more pure spirits, returning by right to God as soon as they thus rediscover their spiritual nature.

Those who know this are the sons of the Spirit, and worship God in spirit and in truth. They form the Catharist Church. The rest remain under the domination of Satan, because they continue the error of the Old Testament, and remain the followers of Jehovah, because they understand neither the mission of Jesus nor the significance of the New Testament. Thus the dualism in man leads on to the absolute opposition between Catharism and Christianity.

From this mixture of metaphysics and theology, the Cathari derived their moral system, both individual and social. In order to be saved, the soul must be separated from the body, and this can be accomplished in two ways.

Some practice a life of ascetism which progressively weakens the action of the body on the soul, and ends by bringing about a divorce *de facto* which death merely ratifies. Or, to adopt the expression used by Christian

[1] These references are always to the work previously cited.

mystics, we die to ourselves before dying to the life of this world.

The way to arrive at this end is to assimilate the smallest possible quantity of matter, and therefore to take the smallest possible quantity of nourishment. Hence the abstinence which was one of the strictest practices of Catharist morality. It consisted in a vegetarian diet; the flesh of animals, and all that comes from it, such as milk, cheese, and eggs, were regarded as things more particularly material. Nevertheless, they allowed fish, for this cold-blooded animal seemed to them to be less material than a warm-blooded one.

To this reason for abstaining from meat, based on the horror inspired by the impurity of matter, some sects added another, namely, the doctrine of metempsychosis. 'They never kill an animal or a bird,' writes the inquisitor Bernard Gui, 'for they think that in irrational animals, and even in birds, there dwell the spirits of men who died without being received into their sect by the imposition of hands according to their rites.'

It was by this horror of meat that these heretics were recognised. 'When invited by the merchant Golfier at Albi, the heretic Guillaume Payen refused the roast chicken offered to him. Suspecting from this that his guest was a Catharist, Golfier then offered him fish, which he ate. When they went from one village to another to visit their followers and revive their zeal, they were given all that was necessary for their sustenance, and this never consisted of meat, eggs, fats, or milk, but fresh or dried fruit, grapes, figs, almonds, nuts, corn or vegetables, wine, honey, rolls or cakes made with flour.'[1] When anyone was 'consoled,' that is, underwent the ceremony of initiation into Catharism, he was asked, 'Do you promise to God, the Gospel,

[1] Jean Guiraud, *Questions d'histoire et d'archéologie*, pp. 63, 64.

and to us, henceforth to eat no meat, cheese, eggs, or any other animal food?'

The act they looked upon as the most material of all, the one which had definitely plunged Adam and all his descendants into an evil state, was the act of generation. This was sinful, not only because of the stain which it inflicts, but also because by calling forth new beings to terrestrial and material life, it extends the reign of Satan. Perpetual chastity was accordingly imposed on all the Cathari.

To nourish one's own life the least possible, and to abstain from propagating it, was regarded as good, but it was looked upon as still better to restrict it progressively, till the day when one can succeed in destroying it and completely free the soul from its bodily prison. To be able to withdraw from one's own body so completely as not to use any of the senses, and to lose completely consciousness of one's own existence, was regarded by the Cathari as a higher degree of perfection. They selected as their models and their saints those who thus attained to nirvana, as we find nowadays in Indian fakirs. 'Berbeguera, the wife of Libent, Lord of Puylaurens, in Albigeois, went for curiosity to see one of these heretical saints. She tells us that she thought him to be an exceedingly strange marvel; for an exceedingly long time he had remained sitting on his chair, motionless like the trunk of a tree, insensible to what surrounded him.' (p. 55).

Others shortened the process, and to liberate their soul from their bodies, inflicted death upon themselves. 'Suicide,' writes Mgr. Douais, 'according to the replies of the heretics to the interrogations of the Inquisition, was, so to speak, a recognised thing. Some opened their veins and died in a bath, others took poisoned drinks, these thus inflicting death upon themselves. The *endura* was the most common mode of suicide; it

consisted in allowing oneself to die of hunger. The documents on the Catharist heresy published by Döllinger mention several cases of this.' Raymond Isaure in 1308 told the inquisitors that Guillaume Sabatier, as soon as he had been initiated, gave himself up to the *endura*, in his country house ; he remained there seven whole weeks without eating, and then died. A woman of the name of Gentilis condemned herself, in similar circumstances, to the most absolute fast, and died at the end of six days. A woman of Coustaussa, not far from Limoux, left her husband and went to Savartes to receive the initiation of the *consolamentum*. Immediately afterwards, she gave herself up to the *endura* at Ax and died. The witness who narrated these facts to the inquisitors declared that he had heard several heretics say that before she died this woman had fasted about twelve weeks. A certain Montoliva gave herself up to the *endura*, ' eating nothing and drinking only cold water ; she died at the end of six weeks.' Sometimes, the Catharist ministers themselves condemned to death by absolute fast those whom they had just initiated, and to whom they promised salvation by death immediately following the purification of the initiation. This is told us in a deposition received by the Inquisition about 1242. ' The minister forbad the giving of food henceforth to the sick person whom he had just received ' : ' ne dicta infirma perderet bonum quod receperat ' (p. 53).

These doctrines and practices had not originated in the twelfth century in the South of France or the North of Italy, where they had so many adherents. They were as old as, perhaps even older than, the Christianity whose doctrines and moral precepts they so radically denied. In the duality of the opposing good and evil principles, we recognise the Manichæan doctrines, which were propagated in Persia and in all the East, ranged

themselves against the primitive Church, and lasted throughout the Middle Ages. In the system of hypostases by which Jesus, Mary, and a whole host of blessed spirits come forth from the Divine substance, we recognise the theory of eons of primitive Gnosticism.

The system which makes the terrestrial life and Passion of Christ a phantasmagoria, is simply Docetism, taught already in the second century by the Marcionites, and combatted by the Apostolic Fathers, then by Tertullian in the third century, and by S. Hilary in the fourth. Adoptionism, which regarded Jesus as the adopted son of the Father, had been taught apparently about A.D. 260 at Antioch by Paul of Samosata, and at the time of Charlemagne by Felix, bishop of Urgel. Encratism, that is, the absolute prohibition of generation and of animal food, had been preached long before the Cathari by the Gnostics and Marcionites in the second and third centuries, and again in the middle of the fourth by the extreme disciples of Eustathius of Sebastopol, condemned in 340 by the Council of Gangres. Thus, the Catharism of the twelfth century appears to us less as a new heresy than as a synthesis of heresies which had lasted throughout the Middle Ages and ended by being gathered together into a neo-Manichæism.

Accordingly, it is not by reason of their novelty that these doctrines are of so great importance, but rather because of the number of their adherents. By reason of their propagation among the masses, they came out from the domain of theological speculation and penetrated into public opinion and exercised a considerable influence upon social life.

For it was by its social morality much more than by its mystical or theological reveries that Catharism demanded the ever more anxious attention of the Church and of Governments.

As long as it remains an individual act, suicide, although certainly sinful, is not a social danger; it becomes such if it is taught as a doctrine, and if the ever growing diffusion of this teaching multiplies the cases so much that it becomes an epidemic. This was the case with the doctrine of the *endura*, and still more the doctrine which recommended perpetual virginity for the whole human race.

The neo-Manichæans of the twelfth century did not content themselves with advocating this as a higher but exceptional form of the moral and religious life, as Christians had always done: their radical pessimism presented it as the ideal of the whole human race, because it was the means of bringing life to an end. The *endura* killed life in the individual, universal virginity was to extinguish it in the human race.

This was taught formally by the Cathari not only by the condemnation of fornication and lust, but also of marriage itself, and hence also the propagation of the human race.

They did not, as Christians do, make an essential distinction between marriage and debauchery; they looked upon the former as merely a criminal and sacrilegious legalisation of the latter. Their blind *intransigeance* led them to adopt, in order to stigmatise marriage, the formula used in our own days by those who advocate on the contrary free love. 'Matrimonium est meretricium, matrimonium est lupanar' said the Cathari of the Middle Ages; 'marriage is legalised concubinage' say the Bolshevists and anarchists of to-day.

After having heard many Cathari, the inquisitor Bernard Gui thus summed up their teaching: 'They absolutely condemn marriage between man and woman; they maintain that it involves a perpetual state of sin; they deny that the good God ever instituted it. They

declare that to know one's wife carnally is no less a sin than incestuous intercourse with one's mother, daughter, or sister.'

The conception and birth of a child involved the committing of an essentially devilish act, for it means bringing into this world's life a being who thereby becomes the property of the Devil. Finding herself with child, Guillelma, the wife of a wood-merchant of Toulouse, was visited by Fabressa, one of the 'perfect.' The latter offered her condolences, and doubtless also her reproaches, counselling her 'quod rogaret Deum ut liberaret eam a daemone quem habebat in ventro.' We can easily imagine to what practices, criminal even in the eyes of the civil law, such condolences and advice might lead!

Whosoever received the Catharist initiation had to renounce marriage for ever, and if he had contracted it, he had to break it immediately and leave his partner for ever. 'Having decided to receive the consolamentum, Guillaume de Raissac notified his father in law that he was going to send back his daughter. About 1218, Bernard Pons de Laure was seriously ill at Roquefère-en-Cabardès; his wife Bermonde asked two heretics to come and give him the consolamentum. But, before proceeding to do this, the heretics called upon Bermonde to renounce her husband for ever, and it was only after having received this undertaking that they proceeded to the ceremony: 'Postmodum, consolati fuerunt dictum infirmum.' Pons de Laure recovered, and abandoning his heresy, returned to the world, and took back his wife, who also forgot her promise. But soon afterwards, it was Bermonde's turn to be ill and to ask for the consolamentum; the two heretics who responded to her call acted in the same way as the others. Before beginning the rites of the initiation, they called upon Pons de Laure to renounce his wife, and after

receiving his formal promise, they consoled her: 'Postmodum, dicti haeretici consolati fuerunt dictam infirmam.'

In their absolute hatred of marriage, the 'perfect,' in spite of their exaggerated ideas of purity, preferred fornication to marriage. It was more serious, they said, to have relations with one's wife than with another woman. The reason of this is easy to understand; the unions of fornication were more slender than those of marriage, and did not end in the constitution of a family, and from these two points of view they were a lesser obstacle to initiation, which implied a vow of perpetual continence.

Thus is explained the truly strange indulgence which these 'pure' ones granted to the excesses of those among their followers who 'sympathised' with their sect without adopting all its doctrines, and still less its practices, that is, those known as 'believers.'

To the knowledge and in the sight of everyone, Guillelma Campanha was the concubine of Arnaud Mestre, and nevertheless 'perfect' Catharists stayed with her at Mas-Saintes-Puelles when passing through her country. Raymond de Na Amelha again, gave lodging at the house of his concubine Na Barona to the 'perfect' whom he protected, and in particular, to one of the heads of the heretical Church, Bertrand Marty. Among the 'believers' who flocked to the preaching of Bertrand Marty at Montségur about 1240, we find many irregular couples, Guillelma Calveta, *amasia Petri Vitalis*; Willelmus Raimundi and Arnauda, *amasia ejus*; Petrus Aura and Boneta, *amasia uxor ejus*; Raimunda, *amasia Othonis de Massabrac*. The Villeneuve family, at Lasbordes, openly protected the heresy, and there lived with them a bastard, Adhemar, *frater naturalis Poncii de Villanova*, and the same could be said of other nobles who were protectors of the heresy and friends of the

'pure,' such as the Unauds of Lanta, the Lords of Vilar, and the Mazeroles of Gaja.

The doctrines and propaganda of this neo-Manichæism undermined not only the family, but also the institutions on which all civilised societies are based. Taking literally and in its strictest sense the words of Christ declaring that whosoever kills with the sword shall perish with the sword, they denied to society and government the right of repression, some absolutely, teaching 'quod nullo modo facienda est justitia, quod Deus non voluit justitiam,' others, less extreme, only condemning the death penalty.

When one of the 'sympathisers' became Consul of Toulouse, the heretic Pierre Garsias reminded him that he had no right to take part in a trial ending in a capital sentence: 'quod nullo modo consentiret in judicando in mortem alterius.'

From this same principle, that in no case might death be inflicted, 'nullo casu occidendum,' they went on to condemn all wars, even defensive. Opposed to justice and to armed force, they were true anarchists, differing from those of our own time only in the expression of their thought, for it was in the name of their theology that they undermined society, while our modern anarchists do so in the name of philosophical or libertarian conceptions.

Governments did not wait till the twelfth century before realising the danger that such doctrines presented for the social order if they were to affect the masses, and on many occasions they endeavoured to check their propagation. There is one interesting fact which proves that it was not the Church that invented the repression of heresy by penal laws; it was a Pagan Emperor, and indeed the one who persecuted the Christians with the greatest cruelty, Diocletian, who laid down the first laws against Manichæism, the direct ancestor, as we have

seen, of Catharism. In an edict issued A.D. 287 and included in the Theodosian code, he decreed the death penalty, or at least forced labour in the mines, for all the followers of Manes, without distinction of sect, and his successors Valentinian and Honorius were only imitating his example when, in a series of edicts collected together in the sixteenth book of the Justinian Code, they decreed exile and confiscation in the case of many heretical sects, and death in the case of certain Manichæan sects regarded as still more dangerous. These penalties were renewed by the Emperor Justinian.

At the end of the tenth century, the Manichæans made such progress in Macedonia and Bulgaria that they were called in the West Bulgars, or Bogomiles, from the name of one of their leaders. Moved by the same reasons of public order which had inspired the emperors of the preceding centuries, the Emperor Alexius Comnenus had a great number of these heretics arrested and condemned to death.

In the course of the same century, the chroniclers mention similar acts of repression in France; in 1017, ten canons of the Church of Sainte Croix in Orleans, being convicted of Manichæism, were degraded, excommunicated, and burnt by the order of King Robert, who nevertheless was a personal friend of some of them.

If in spite of this fact the king acted so inflexibly towards them, it was, as the chronicler Raoul Glaber tells us, because 'he feared their doctrines would lead both to the ruin of the country and to the death of souls': 'tristis et moerens nimium effectus, quoniam et ruinam patriae revera et animarum metuebat interitum.' It could not have been stated more clearly that Robert's severity was motived both by religion and the defence of society.

In spite of these isolated acts of repression, the neo-Manichæan heresy assumed considerable proportions

in the twelfth century in Northern France, Germany, and Italy, but more especially in the country to the south of the Loire. In the course of missions which he conducted against them in Aquitaine and Languedoc, without much success, Saint Bernard made these sad observations: 'What have we learned, and what do we learn each day? How much evil has the heretic Henry done, and is still doing, to the Church of God! The churches are without congregations, congregations without priests, priests without honour, and, to sum it all up in one word, there are now only Christians without Christ. The Churches are regarded like the synagogues, the sacraments are despised, festivals are no longer observed. Men die in their sins, souls appear before the terrible judgement seat without having been reconciled by penance or fortified by Holy Communion. Even the children of Christians are deprived of the Christian life by the refusal to give them the grace of baptism. How dreadful! Must such a man be listened to, and a whole people believe in him?'

In the second half of the century, Count Raymond V of Toulouse repeats these sad complaints. 'Heresy,' he says, 'has penetrated everywhere. It has introduced discord into all families, dividing husband and wife, son and father, daughter-in-law and mother-in-law. The priests themselves have been affected. The churches are deserted and are falling into ruin. I myself am doing all I can to stop this plague, but I feel that my powers are not equal to my task. The most important persons in my country have allowed themselves to be corrupted. The masses have followed their example, so that I neither dare nor am able to repress the evil.'

When we read these sad words, and these confessions of lack of power in a Saint Bernard and so great a noble, we might almost imagine we were listening to the lamentations of a thoroughly discouraged rector of one

of our most indifferent parishes! A great number of testimonies given in the archives of the Inquisition of the South show that these sad descriptions of the religious desolation of the South of France were only too correct.

From Bordeaux to Marseilles, from the Pyrenees to Auvergne, the Cathari had triumphed; they preached and practised their cult publicly. The Catholic churches were deserted, but their own assemblies were attended by the vast majority of the population. At Saint-Martin-la-Lande, in Lauraguais, 'maxima pars hominum ibat ad praedicationem' (1215). At Caraman, at Lanta, and at Verfeil, the heretical minister and not the priest was called in by the dying, in order to receive the Catharist initiation, the Consolamentum, instead of the sacraments: 'pauci homines moriebantur apud Caramanhum, vel Lantarium, vel Viridefolium quin hereticarentur' (1215). At Castelnaudary, Cathari and Waldenses had public buildings, and convents for their 'perfect' followers of both sexes; they even sang in the churches, which seems to show either that they had taken these from the Catholics, or else shared the use with them, by a *simultaneum* analogous to that by virtue of which Protestants and Catholics until recently used the same building in Alsace, and in the ancient principality of Montbéliard.

The two rival sects of the Waldenses and the neo-Manichæans were so powerful that they organised meetings and public debates in the market places. The Catholics were so weak and so discouraged that they did not dare even to imitate this before the preaching of S. Dominic. The people were so familiar with these debates that they were one of the chief subjects of conversation. They discussed heretical and Catholic doctrines just as we now discuss social and political questions. 'Passing one day along the road by the hospice of Laurac, a scholar, Amiel Bernard, heard two

tramps, doubtless belonging to this house for beggars, debating on the Eucharist. One of them maintained that, provided one had faith, it would be just as good to eat the leaf of a tree or even dung as to receive the consecrated species; the other tramp denied this.' This simple case is very instructive, it shows us that the spirit of private judgement in religious matters had penetrated into the lowest strata of society, seeing that beggars did not hesitate publicly to express their doubts or even singularly unorthodox interpretations of the most sacred doctrines.[1]

All classes of society had been won over by neo-Manichæism, and in the first place, the nobility. 'The most important persons in my country have allowed themselves to be corrupted,' wrote Raymond V, Count of Toulouse, in 1177 to the General Chapter of Citeaux. He might have mentioned his own son, Raymund VI. Although the latter gave gifts to monasteries, and boasted of the purity of his Catholic faith, he sought the society of the 'perfect,' and always had one of them with him so as to be able to receive the Consolamentum in case of serious illness. Who was he deceiving? The Church or the heretics? In any case, this duplicity at least shows him to have been an opportunist, and his respect for the Cathari, even if it does not prove that he believed in them, at least shows that he realised the important position they occupied in his country.

Raymond Roger, Comte de Foix, gave to the heretics a very special mark of favour when he allowed his wife, Philippa, to become one of the 'perfect,' and to renounce her children, and himself in consequence, in order to go to live with them. 'In 1205, Philippa, Countess of Foix, was established at Dun, where she governed a community of Perfect ones, themselves belonging to the aristocracy of the country. Pierre Guillaume of Arvinha,

[1] Jean Guiraud, *L'albigéisme languedocien au XIIe siècle*, p. ccxxxii.

who went to see them in their convent, mentions together with Philippa, Alamanda of Nogairol and his own mother, Cécile d'Arvinha. The Count of Foix remained on the best terms with his wife, for he often went to see her at Dun with his escort, and took his meals with her and her companions. It even seems that Philippa, like the "perfect" ones, undertook apostolic work of the nature of real missions. . . . The Count also allowed his sister, Esclarmonde, to receive the Consolamentum, and, accompanied by many knights, he himself was present at this ceremony, which took place in his chateau at Fanjeaux in 1206. Another of his sisters offered to the heretics a refuge on her own lands, which she thought impregnable, being on a hill about 1200 metres high at Montségur. She helped them to build there a steep fortress difficult to approach, which would protect them from all the attacks of the crusaders.'

Among the most powerful subjects of the Count of Foix were the Lords of Castelverdun. The head of this house fought against the Crusaders, and when in 1229 the Treaty of Paris proscribed heresy, he did his best to secure freedom of worship at Montségur, which had become a refuge for the heresy. When he was attacked by a mortal illness at the house of his relation Cavaers, the Lady of Fanjeaux, he asked for two 'perfect' ones, who went to find his two friends, who were also knights, Hugh and Sicard of Durfort. He received the Consolamentum from them, and died in the heresy.

At Montréal, a fortified place situated on a hill commanding wide views over the whole country between Castelnaudary and Carcassonne on the one hand, and over Razès on the other, there dwelt a feudal family powerful by reason of its possessions and its connections. Its head, Aymeric, called himself in 1211 Lord of Montréal, and of Laurac-le-Grand; his sister, Guillelme, possessed Lavaur, which she defended bravely against

Simon de Montfort. All the members of this great family were heretics.

Opposite Montréal, situated on the slopes of the Montagne Noire, there can still be seen the noble ruins of the fortified chateau of Saissac, with portions of walls which were strong defences, and formed, together with their towers, a powerful system of defence and domination. The town which surrounded it was strongly fortified. There dwelt a noble who had extended his rule over all the southern slope of the Montagne Noire, from Revel to Caunes. He was in truth King of the Mountain, and so great was his power that he was chosen as tutor to the young Trencavel, Viscount of Carcassonne and Béziers. Bertrand of Saissac was a heretic; indeed, the triumph of the Crusaders led to the loss of all his property. One of his relations 'held a heretical house,' that is to say, was the superior of a convent of 'perfects' at Hautpoul, one of the family possessions.

Still more important than the ruins of Saissac are those which are found on the top of the Cabardés, dominating the road which crosses the Montagne Noire in order to join Carcassonne and Albi. In this formidable place, of which several battlemented towers and a magnificent ruined keep remain, there dwelt a powerful noble family which had gone over entirely to the heresy. Its head, Pierre Roger, openly received the Cathari in his house; one of their deacons, Arnaud Not, preached in his chateau, and counted amongst his congregation all the nobility of the surrounding country, Grave, Chevalier de Cabaret, Bernard de Miraval, Pierre Raymond de Salsigne, Pierre de Laure, Gaucelm de Miraval. The majority of them received the Consolamentum on their death-bed. Sometimes the preaching was more solemn, as when the Catharist bishop, Pierre Isarn, preached the sermon himself.

The Viscounts of Carcassonne and of Béziers, of the House of Trencavel, took the same attitude towards the heresy as that adopted by their suzerains, the Counts of Toulouse. Although he made bequests to the Church, Roger II chose as tutor of his son the notorious heretical Lord of Saissac. When ordered in 1173 to withdraw his protection from the 'Perfect,' he did not do so, and was excommunicated by the legates of the Holy See. His son, Raymond Roger Trencavel, the pupil of Bertrand of Saissac, declared that he was not a heretic, when he fell into the hands of the Crusaders in 1209, but he admitted that 'the heretics had found protection in his towns and on his lands,' and he threw the responsibility for this on the men whom his father had designated to rule over the district, and to educate himself during his minority.

The most powerful nobles of the high valleys of the Aude, and its tributaries in the Pyrenees, were the Lords of Niort. Besides the fortified castles and the numerous villages which they possessed in the hills of Sault, the valleys of the Aude, in the Rébentys, and the Ariège district, the Donezan, and the county of Foix, the three brothers Guirand Guillaume, Bernard Oth and Raymond derived from their grandmother, Blanche de Laurac, important domains in Lauraguais. Moreover, they had established family connections with Nunés Sanche, Count of Roussillon, and with the kings of Aragon.

Now these brothers were all openly heretics. 'From his youngest infancy, Bernard Oth had been brought up by his grandmother Blanche in the convent of heretics which she ruled over in Laurac. There he had for four years lived the life of the Cathari, eating their blessed bread at their tables, and being present at the sermons by the deacons, and adoring the perfect ones' (p. cclii).

Under the authority of these great feudal lords there

was a whole squirearchy possessing one or several villages, and sometimes even sharing with others a fief, or certain rights. Before the Albigensian Crusade, the town and territory of Mirepoix was divided between thirty-five nobles, vassals of the Count de Foix. All this rural and even peasant nobility was, like its powerful overlords, entirely converted to the heresy.

The same was the case with the lower classes. The Cathari appealed to these by reason of their austerity. This was pointed out by S. Dominic to the Cistercian monks who vainly endeavoured to win back to the Catholic faith the populations of Languedoc. 'See the Cathari,' said he, 'it is by the deceitful appearances of poverty, and by external austerity that they win over the simple minded. . . . Conquer a lying sanctity by true religion.'

The Perfect, moreover, 'went to the people,' doing them services best calculated to win them. 'One need not live long in the country in order to realise the prestige enjoyed by the doctors, especially if they seem to give their advice by a sort of mystic virtue. A priest who is also a doctor quickly finds the people pressing round him, and the care which he is able to give to the body easily opens the way to the soul. This was realised by the perfect, a great number of whom were doctors.' (p. ccix).

The Cathari also rendered financial assistance, thanks to the considerable sums of money which they derived from the gifts and legacies of their adherents. They frequented the fairs and markets, and offered their wares from door to door, which enabled them to get into the insides of families, and there to create relations which were at first commercial, but which could soon become religious.

In many countries they opened workshops, either in order to increase their influence on those they employed,

or else to ensure the means of livelihood for those who joined their sect, or again in order to have an excuse for getting an entrance into families under the guise of business. At Fanjeaux, a certain Tardieu supplied Catharist workmen with sheepskins. In the Convent of the Perfect conducted at Cabaret by Auda and Finas, weaving was done.

Sometimes these workshops served less for the making of objects than for the formation of apprentices, who were thus prepared from their youth for entrance later on into the sect. A merchant of Fanjeaux, brother of a Dominican, told the inquisitors that in his youth he had been apprenticed to heretics, and that in this capacity he had adored them. He added that his case was not a peculiar one ; at Fanjeaux, many young men had been placed with heretical employers, and had not hesitated to adore them. P. de Gramasie worked among the heretics at Fanjeaux about 1205, and thus heard the preaching of the Perfect, and ended by adoring them. This proselytism by apprenticeship was easy in a time when the apprentice shared in the family life of his employer, and was treated as a son of the house, and brought up with his master's own children.

This apostolate was so fruitful that it ended by gaining to the Catharist cause the majority of the guilds, especially in the South, but also in the North of France, Germany, and Italy. In Languedoc, at the beginning of the thirteenth century, the two terms ' weavers ' and ' Cathari ' were synonymous, which shows to what extent the employers and employed in the weaving industry were subject to the Cathari. Already in 1157 the Council of Rheims pointed out that it was especially by the journeys of wandering weavers, ancestors of the ' Companions of France,' that the neo-Manichæan doctrines were propagated throughout the country among the working classes.

Lastly, the Cathari made use of education as an excellent instrument of proselytism. It enabled them to instruct in their doctrines from their earliest youth the children entrusted to them. Many of their houses were schools, and even boarding schools, in which their influence completely took the place of that of their families. 'At Saint-Martin-la-Lande, two "perfects" entered one day the house of a widow, Na Mazaus. Seeing there her son, Pierre Biure, a child of about twelve years, they suggested to her that they should take him with them to learn letters. Another day they met him at the house of a certain Cap de Porc, and made to him similar overtures: if he would leave his home and go to them, they would have him taught: had he not had enough of looking after cows? . . . . It was also under the guise of education that the heretics of Verfeil got hold of Matfred de Palhac at Villemur. They taught him grammar, hoping that he would become a pillar of their church, "magna columna ecclesiae haereticorum."'

In order to keep for ever the child entrusted to them and to withdraw him completely from the influence of his own family, the Cathari made use of strange means. Here is one recounted by Etienne de Bourbon. 'One day a mother, wishing to deliver her daughter to the heretics, made a pretence, at their advice, of going in pilgrimage to the tomb of a saint, together with her child. The heretics took possession of the young girl, made her enter into an unknown house, clothed her with their habit, and then gave to the mother her old garments, saying "You can tell your neighbours that your child has passed from this world to a better one, seeing that she has come to us, and, having been received in this subterranean dwelling, she was indeed dead to the world." The unfortunate woman followed this advice, and even paid to the curé of the place the burial fees. Happily,

the young girl, at the end of seven years, succeeded in escaping from her prison, returned to the faith, and revealed her mother's stratagem.'

In other cases, it was by means of forcible seizures that children were taken to heretical houses in order to be taught and there receive the education preparatory to the initiation ceremony. In 1245, a certain Pons, of Avignonet, told the Inquisitors that thirty years previously, i.e. about 1215, his son had been stolen from him by the heretics, and that since then he had not been able to see him again.

What made the heresy still stronger and more successful was its solid organisation. It formed a rival Church, with its faithful, its teachers, its hierarchy and its cult.

Those who belonged to it were divided into two classes, of unequal numerical importance and influence.

The most numerous were the Believers. These were the ones who, without making their profession, nevertheless followed the rule of the sect and favoured it by every means in their power. They continued to live in the world, and had no distinguishing mark. They kept the appearances of Catholicism, occasionally receiving the sacraments of the Church, following its services, and often on quite normal relations with its religious, its priests and bishops, even taking part in pious works by their alms and their foundations. But in their own hearts they preferred heresy to the Church, and the Catharist hierarchy to the Catholic clergy, and their Christian faith was very precarious and sometimes even non-existent.

If they did not ask for the Consolamentum, the ceremony of initiation which would have made them 'perfect' heretics, 'pure' ones, or Cathari, this was in order not to be bound to the rigorous practices of the sect, abstinence, breaking off of marriage relations, and perpetual chastity; but the majority, believing that

salvation was by means of the Consolamentum and not in the sacraments of the Church, certainly meant to receive it on their death-bed, in order thus to obtain, without the inconvenience of leading an austere life, the benefit of conversion. They put off to their last moments the reception of the Consolamentum, just as in the first ages of Christianity, many pagans, although Christians at heart, put off to their death-bed the reception of baptism.

Many did not hide this attitude. A certain Bernard Bort, when seriously ill, was visited by two 'perfect' ones, who suggested that he should receive the Consolamentum. He refused their services, although an adherent, because he did not think that he was going to die, 'quia non putabat mori.'

But these Believers never lost an opportunity, when assisting at some heretical gathering, of manifesting their firm desire to receive the initiation one day, and they were thus 'heretics by desire.' When they were in the presence of Perfect ones, they saluted them, saying 'Good Christians, give us God's blessing and yours; ask the Lord on our behalf to keep our soul from an evil death, and to lead us to a good end.' The inquisitor Bernard Gui adds that by 'evil death' they meant death in the communion of the Roman Church, and 'to end well by the ministry of good Christians' means to be received at their last breath into the sect and order of heretics. These engagements, often renewed, were called *convenentia.*

Once a month they were present at a sermon by the Perfect called the *apparelhamentum.* They there made an examination of conscience, at the end of which were pronounced these words: 'Although the holy word of God teaches us, as the Holy Apostles and our spiritual brethren preach to us, that we should put away all fleshly desires and all stains, we, negligent servants, not only do not do the will of God, but usually do the will

of the flesh, and we apply ourselves to the cares of this world, so much that we do harm to our souls.'

Having thus freed their conscience from its remorse and received the blessing of the Perfect, to whom they rendered the homage of the 'adoration,' they returned to their usual life, frequenting, if necessary, the Catholic Church, which was nevertheless, in the eyes of the sect, the Church of Satan. They exercised their various professions, ate forbidden food, and often led a dissolute life, which, as we have seen above, was tolerated by the Perfect. The use of meat was regarded as sinful, and yet the documents speak of Believing butchers. 'If in the course of their journeys the Perfect were offered meat, game, or even eggs, they abstained from touching them, but they did not scruple to give them to their Believers.' About 1231, some Believers of Avignon went to adore two of the Perfect who were passing through the place, and at the liturgical meal which they took in their presence, 'they ate hare and several other things which the Perfect ones gave to them.' We know that the Catharist system of morality formally forbade sexual relations, and put on the same plane incest, adultery, and marriage. But the Perfect tolerated these in their Believers, who retained their wives or concubines, or both, up to the time of the complete initiation of the Consolamentum.

The Believers took all the more liberties with human and Catharist morals because they were persuaded that the Consolamentum would purify them at their last hour from all their faults at once, however grave they might have been, and from all their stains.

Since the sect thus liberated the Believers from all the obligations of Catholicism without imposing its own in their place, and placed them, by the doctrines to which they adhered, above all human laws, we can understand that the number of these honorary heretics became very

great, and that they formed, as it were, a Third Order in the Catharist Church.

Above the Believers, we find the Perfect ones, also called Cathari, or Pure ones, the object of great veneration and of a veritable worship. They formed the real neo-Manichæan church. They were the active members of it, inasmuch as they aimed at putting their daily life into complete harmony with its teaching. They were made Perfect by the rites of the Consolamentum. They lived generally in common like religious, and when they went on a journey, they went two by two. They were subject to a severe discipline, and to a strict hierarchy.

Some authors have ascribed to them a supreme head resembling the Pope, but it was conceivable that those they have thought to be Catharist popes were merely bishops of the sect, with authority over a particular region only. It is more likely that, as many Inquisitors who closely studied the system thought, the sect was composed of a federation of Churches. In France there were four, that of the Langue d'oil, that of Toulouse, that of Albi, and that of Carcassonne.

Each one of these churches had at its head a bishop. In the first half of the thirteenth century, the Catharist bishop of Toulouse was one Gaucelm. One day in 1203, Olivier de Cuc, the Lord of Auriac, met him in a street in Toulouse, with his companion Vidal de Montaigu. To do them honour, he descended from his horse, and put his mounts at their disposition. Remaining always Bishop of Toulouse, Gaucelm, when the Crusaders obtained possession of the town in 1213, retired to Lavaur.

It seems that in consequence of the troubles created by the Albigensian Crusade, several Catharist bishops simultaneously ruled the heretical church of Toulouse, from 1223 to 1240. Gaucelm still lived at that time,

for, in his capacity as bishop, he preached at the Cassès, near Castelnaudary, and there presided at a religious ceremony in 1228; nevertheless in 1215, Bernard de la Mothe, a deacon of the sect, had been raised to the episcopal dignity, and for more than twenty years was to exercise his ministry in the country of Toulouse, at St. Germain, Lanta, and at Toulouse itself near La-Croix-de-Baragnon, and at the house of Sicard de Gameville. A deposition received by the Inquisitors in 1239 shows him making veritable pastoral visitations from 1223 to 1225 in Upper Languedoc, for his presence was reported at Villemur, Montauban, Moissac, Castelsarrasin, and Toulouse, where he met another bishop of the sect, Guilabert de Castres. Again, he appears in the country of Lanta, at Taravel, at Folcalvat, where he stayed with a noble lady, at Caraman, where he stopped for a year with a heretical deacon, Guiraud de Gordo, at Labécède-Lauraguais, where Guilabert de Castres, his colleague, offered him hospitality, at Laurac, at the house of the deacon Raymond Bernard, where he was adored by many nobles of the country, and lastly at Fanjeaux, where he held audience at the house of Guilabert de Castres to all the Catharist nobility of the country.

From thence, he returned to the Carcassonne district, and successively visited Aragon, Montolieu, Saissac, and Verdun, and then took part at Razès in the Council of Pieusse, and in the ordination of Benoit de Termes. Then he returned to the Lantarès and the country of Caraman, his habitual residences, passing by Mirepoix, the Savartès, and the lands of the Count de Foix.

Although it had become dangerous to stay in Toulouse since Raymond VII had undertaken in the Treaty of Paris to repress heresy, Bernard de la Mothe exercised his ministry there several times in the houses of the noble Believers, the Roaix, Massos, Bouquets, and Roquevilles. He also reappeared about the same time

at Avignonet, at Mirepoix, and in the county of Foix. About 1240 we lose sight of him.

We can follow out in the same way the traces of the other bishops of the Toulouse district, Guilabert de Castres, and Bertrand Marty; of the Carcassonian bishops, Pierre Isarn, Guillaume Abit, and Pierre Folha; and of the bishop of Razès, Benoit de Termes, who was elected at a gathering of a hundred persons which took place in the house of the Cathari at Pieusse, not far from Limoux.

Wherever he went, the bishop was the head; he presided at the assemblies, and made all the important decisions; he was assisted by two of the Perfect who were so to speak his Vicars-General; they were known as the elder and the younger son.

Below the bishops, there were the deacons, who travelled constantly through their respective districts, keeping always in contact with the Perfect and the Believers, preaching and presiding at the various assemblies and liturgical meetings of the sect. In our detailed study, 'L'Albigéisme languedocien au XIIe et au XIIIe siècles,' we have given a list of many Catharist deacons, mentioning their residences, and sometimes their journeys, from the registers of the Inquisition (p. cxli–cliii).

Strong, then, by the number of its adherents and by its solid hierarchy, the Catharist Church had against it only a weakened and discouraged Catholic Church, apparently incapable of any reactive force.

On the one hand the masses were abandoning it, neglecting its sacraments, sermons, and temples, and on the other hand the Catholic clergy were being attacked by the nobility. The nobles of the twelfth century, like the princes of the sixteenth century who gave their allegiance to the Reformation in Germany, England, the Scandinavian countries, and even in some parts of

France, often favoured heresy less from conviction than from greed, which led them to lay hands on ecclesiastical property, and thus profit by the crisis through which Catholicism was passing. They did not realise that they, in whom authority was situated, were thus favouring the germination and development of the seeds of political and social anarchy contained in the neo-Manichæan doctrines[1] which would undoubtedly have burst forth if the Crusade and the establishment of the Inquisition had not intervened.

The Count of Toulouse, Raymond VI, was the first thus to seize the property of the Church. In a letter dated the 1st of March, 1196, Pope Celestine III bitterly complains of this: 'We have learnt, not without great sorrow, that you have no respect for the churches and the monasteries.' He reproaches him for having pillaged the lands of the Abbey of Saint-Gilles and for building on them the fortified castle of Mirapetra.

When in 1224 Raymond VI, Count of Toulouse, was reconciled with the Church, he had to give back to churches and abbeys the following ecclesiastical possessions seized by his father or himself: to the Cathedral of Vaison, the town and chateau of Vaison; to the Bishop of Maguelonne, the chateau of Melgueil; to the Bishop of Agde, the town of Agde, Loupian, and several chateaux; to the abbot of Saint-Pons, the chateau of Salvetat, Montouliers, and Labastide-Rouairoux; to the abbot of Quarante, Cesseras; to the abbot of Saint-Tibéry, Mas-Saintes-Puelles; to the Bishop of Albi, the Place de Vias; to the abbot of Gaillac, his ancient possessions at Gaillac; to the Bishop of Agen, all his ancient rights in the town and diocese; to the

[1] Similarly, the German princes who favoured the beginnings of the Reformation with a view to despoiling the Catholic Church of its property did not foresee the social wars and cataclysms which were to result from the Anabaptists and other sects issuing from the preaching of Luther.

Bishop of Rodez, Villeneuve with all his rights ; to the Bishop of Toulouse, to the abbot of Saint Sernin, and to the Prior of La Daurade in the same town, all their ancient rights, and so on ; we cannot give the whole list of these usurpations.

The Abbey of Lagrasse was confiscated by the Vicomte de Béziers and Carcassonne, and by his vassals ; in Razès, Cépie, Malviés, Saint-Couat, Verzeilles, Montgradail, part of Belvèze, Couffoulens, Leuc, Couiza, and Luc-sur-Aude ; in Cabardès, Cabrespine ; in the Carcassonne district, Blomac, Comigne, Cours, Comeilles, Alaric, Moux, Montlaur, Montclar, etc. For his part, Olivier de Termes had taken all the villages which the Abbey possessed in Les Corbières and Roussillon.

One of the nobles most hostile to the Church was Bertrand, the Lord of Saissac, who governed as regent the districts of Carcassonne and Béziers during the minority of his pupil, Raymond Roger Trencavel. In order the better to rob the Abbey of Alet of the possessions which he himself coveted, he installed there as abbot one of his own men, by the most odious methods. The monks had rejected his candidate and elected one of their neighbours, the abbot of Saint-Polycarpe, Bernard de Saint-Ferréol. 'When he learnt this, the Lord of Saissac gave way to the worst excesses. He went to Alet, entered by force into the abbey, and after a fight between his men and those of the monastery, violently dragged from his chair Bernard de Saint-Ferréol, shut him up in a narrow prison, and kept him there three days. Then, annulling by his own authority the choice which had been made, he ordered a new election, in the most horrible circumstances. In order to efface everything which had been done in the preceding days, he had the unheard-of idea of making the dead abbot preside over the chapter. He had him disinterred and clothed with his vestments, and then installed him

on his abbatial throne. Under the presidency of this decomposing corpse, the terrified monks voted, and naturally, they voted for Bertrand's candidate. That was the way in which Boson was elected. This election, brought about by intimidation, and the result of simony (for many of the religious had received money from Bertrand), and taking place in the strangest circumstances, ought certainly to have been declared null and void. But the Archbishop of Narbonne allowed himself also to be bought over, and confirmed Boson. With such a man as abbot, Bertrand de Saissac, and Trencavel after him, took such liberties with the goods of the monastery that they were quickly dispersed and the abbey reduced to want.

The abbey of Saint-Hilaire, near Carcassonne, was similarly despoiled by the neighbouring nobles, and particularly of the goods which it possessed at Limoux, and of the church of S. Martin in that town.

Encouraged by the violence of the nobles, the populace gave itself up to all kinds of attacks upon the churches and the clergy. 'The soldiers of the Comte de Foix committed the most odious profanations in the churches and the monasteries.' After the capture of Urgel, 'they used the arms and legs of the crucifix as pestles to mix the condiments of their kitchen. Their horses ate hay on the altars. They themselves, after dressing up the images of Christ with helmets and shields, amused themselves by running them through with lances, as they were accustomed to do with dummies in their games.' In the diocese of Toulouse, the bishop was no longer able to make his pastoral visitations because the population was hostile to him, and he had to be accompanied by a strong escort. At Béziers, the canons entrenched themselves in their church, transformed into a fort, for fear of the inhabitants of the town.

A few months before the Crusade, the populace of Montolieu rose against the monks of that town. The monastery was invaded, pillaged, and burnt by the heretics, its lands were devasted, and, led by their abbot, the religious scarcely had time to take refuge at Carcassonne, where Raymond de Capendu received them.

The Bishop of Carcassonne, Bérenger, had been persecuted a few years previously by the heretics of his episcopal city. Realising that he was near his end, he tried to preach against them and to refute their errors, foretelling the evils which would fall upon them. Far from mending their ways, they chased him out of Carcassonne and forbade the inhabitants of the town to have any relations with him.[1]

One day, at Mas-Saintes-Puelles, in the shop of Pierre Gauta, there happened a really shameful thing. Several persons were gathered there, and amongst them was a certain Pierre Rigaud, who was an acolyte, and therefore had the clerical tonsure. One of those present, in the presence of all the rest, committed an act which we cannot describe in English: 'Inductus propria voluntate, minxit super coronam ipsius testis qui est acolythus, in opprobrium et in turpitudinem totius ecclesiae catholicae.'

Sometimes these people manifested their hatred to Catholics by assassinations, attempted or accomplished.

In the course of his preaching, S. Dominic narrowly escaped being murdered by the heretics. Suspecting an ambush, says one of his thirteenth-century biographers, he boldly and fearlessly went on, climbing towards Fanjeaux. From the side of the path there fell upon him armed men who had lain in wait in order to kill him, and they abandoned their plan only because they saw with what ardour he desired martyrdom. 'What is the good,' said they, 'in doing what he himself wants?'

[1] Jean Guiraud, *L'Albigéisme languedocien*, pp. cclxxix–cclxxx.

To this day, this path is called the ' chemin du Sicaire ' in memory of this fact, and the very place where S. Dominic was assailed is marked by a cross. It was the assassination of the legate, Pierre de Castelnau, by heretics who were servants to the Count of Toulouse, that led to the outbreak of war, by determining Pope Innocent III to preach the Crusade.

In presence of these violent acts, and these attempts on the part of the sectaries, who seemed to think that they could do anything they pleased, the Catholic clergy made no effort, either because they were discouraged, or perhaps because several of them were mixed up with the heresy, like the prelates and clerics of the sixteenth century who came to terms with the Reformers.

The metropolitan of all these dioceses desolated by heresy, Bérenger, Archbishop of Narbonne from 1191, belonged by birth to this country infected with Catharism, for he was the son of Raymond Bérenger, Count of Barcelona, and uncle to Peter, King of Aragon, who was to meet his death at the Battle of Muret when fighting against the Crusaders. In 1204, the legates of the Holy See denounced him to Innocent III as guilty of ' extreme negligence in the functions of his office, and for not having yet visited either his province or his diocese during the thirteen years he has occupied his see, a conduct which has contributed in no small way to the increase of the heresy in the whole country.' Of lax morals, and given to simony, he had neither the means nor even the will to oppose the evil, and had to be deposed in 1212 after the victory of the Crusaders.

In the preceding year, his suffragan, Bernard Raymond de Roquefort, Bishop of Carcassonne, was similarly deposed because of his relations with the heretical nobility to which he was linked by birth and family connections. The same happened in the case of Raymond de Rabastens, Bishop of Toulouse.

We have seen above what a singular abbot was imposed upon the Benedictine monastery of Alet by the heretical Lord of Saissac. It is not astonishing that the Papal legate, Conrad, Cardinal Bishop of Porto, took steps against this abbot Boson, and degraded him 'as favouring the heretics.' We may well believe that the great majority of the monks resembled the abbot, for instead of giving to Boson a successor, the legate granted the abbey and its possessions to the chapter of Narbonne, 'because the abbot and the monks of the said Alet upheld the heretics of the said town.'

We cannot say definitely that the abbot of Saint-Volusien-de-Foix was a heretic, but his entourage included numerous Cathari. He belonged to a very noble family into which Catharism had penetrated deeply, the family of Durban. 'About 1224, his brother Bertrand received the Consolamentum at Pamiers, on his deathbed, in presence of many nobles of the country of Mirepoix; he bequeathed his horse to the Perfect. His sister Agnes, was also a heretic. About 1210, at Castel-Verdun, in the presence of Raymond de Montlaur, brother of the abbot of Saint-Antonin of Pamiers, she declared that salvation was only to be found with the Cathari, 'non erat salvatio nisi in haereticis!' She brought up her son Garcias Arnaud in these doctrines. In 1230 she was present at one of the ceremonies of the sect at Castel Verdun in the house of Pons Arnaud, lord of the place.

The Perfect had sympathisers in the Benedictine monastery of Sorèze; one day they sent a basket of cherries to the monk Guilabert Alzeu. (p. cclxxxvii).

As to the lower clergy, who were in still closer contact with populations either indifferent or won over to the Perfect, especially in the country districts, they were quite discouraged and demoralised. They became resigned to their helplessness, or even maintained

friendly relations with the heretics, in order not to have too hard a life. In other words, they acted like some clergy of our own time, who think it better to be on friendly terms with opposing forces because it would be dangerous to combat them.

The interrogatories of the Inquisition put us in presence of many of these priests, who maintained good relations not only with the Believers, but also with the Perfect. Such was the curé of Saint-Michel-de-Lanès, in Lauraguais, Arnaud Baron; he was so fond of games that he allowed his parishioners to die without the sacraments and without absolution rather than give up his chess or his dice . . . . and perhaps also, we may add, because only too often his ministry had been declined. If he had to choose between a heretical Believer who was a good player, and an austere Christian who did not play, he did not hesitate; the former was his choice. By his recreations he was closely connected with the heretics, and with the most important of them all, the lord of Saint-Michel, his patron. With a tolerance that would have been a cause of joy to Voltaire, he accepted invitations to dine at the heretical convent of Labécède, although it was in a parish a fair distance from his own. He had such confidence in the Perfect that he was present at their ceremonies, though taking no part in their prayers, or adoring them. 'When the Believers returned to the Church he had a strange way of absolving them. One of them, Guillaume d'Issel, received from him a penance known as that of the Fridays (*penitentia de sextis feriis*). But a little while afterwards, priest and penitent began to play, and the penance which the curé had just imposed was the stake. Guillaume d'Issel won, and the penance was taken off!

Another priest, the curé of Cadenal, dwelt for two years with a Perfect, taking all his meals with him. He knew quite well that he was eating at the table of a

confirmed heretic, but he did not worry about that. 'A knight of Puylaurens, Sais de Montesquieu, went to hear the preaching of two noted heretics, Bernard de la Mothe and Raymond de Carlipa. He noticed amongst those present Rocas, the curé of Cuq-Tolsa, although this was in 1225, when the Albigensian Crusade had dealt severe blows at the heresy. Another day he saw a great crowd in front of the chateau of Puylaurens, where one of the Waldenses was about to give an address, and when he reproached many of those present for coming to listen to a heretic, they replied that they could quite well do so, seeing that their curé was with them. And in fact they had with them Master Bernard Adalbert, curé of La Crozelle.

'The interrogatories of the Inquisition reveal to us an incident which is so strange as to be almost unbelievable. The Dominican convent of Prouille, which ought to have been a citadel of orthodoxy, apparently had a traitor in 1220, in the very lifetime of S. Dominic, and Amaury, the son of Simon de Montfort himself, who was the leader of the Crusade and died fighting against it, apparently had a heretical chaplain. This was related to an Inquisitor by one of the inhabitants of Fanjeaux, Bernard Mir: In this town, he went to hear one of the leaders of the Cathari, Raymond Mercier and his companion, at the house of Guillelme de Nabona. There he found Peytavi Arveu, Guillaume Hugon, a cleric, another cleric, Guillaume de Lanta, a convert from Prouille, Pierre Roger, and Gaubert, chaplain to the Comte de Montfort; and *all* adored the heretics, bending the knee and saying: 'Good men, pray to God for us!' (p. ccxc).

CHAPTER II

THE ESTABLISHMENT OF THE INQUISITION

IT need not be said that the Church could not count upon a clergy such as that described at the end of the last chapter in order to arrest the progress of the heresy, and still less to regain the lost ground. Hence in the course of the twelfth century, the Popes had appealed to the clergy of the North of France, and especially to the Cistercian Order. At the request of the Pope, S. Bernard had gone to preach against the heretics; but neither his eloquence nor the ardour of his apostolic zeal had met with success; they had rather been the subject of derision. In 1177, Peter, Cardinal of St. Chrysogonus, conducted a mission in the states of the county of Toulouse, but without appreciable result. In 1181, Henry, abbot of Clairvaux, made a new attempt, accompanied by measures of repression, for he deposed the Archbishop of Narbonne, Pierre d'Arsac. He held several councils for the reformation of the Church, and took possession of the town of Lavaur, a heretical centre. In spite of these energetic acts, Catharism continued to make such progress that Innocent III was concerned about it from the beginning of his pontificate. He organised a third Cistercian mission, at the head of which he put two religious. One, Raynier, having fallen ill, was replaced by the Archdeacon of Maguelonne, Pierre de Castelnau, who forthwith entered the Cistercian order, and became a monk of the abbey of Fontfroide, near Narbonne.

Armed with full powers by the Holy See, these new legates combined repression with persuasion. They held inquiries or inquisitions concerning the heretics and their ways, calling for their repression from the secular power, but without obtaining it, for the secular authorities themselves were often on the side of the heresy ; finally they menaced the obstinate with sentences of excommunication and confiscation of their goods.

At the same time they preached many sermons, and even engaged in debates with the Perfect. In one of these, which took place at Carcassonne in 1204, Pierre de Castelnau and Raoul his colleague debated with the Catharist bishop, Bernard de Simorre. This again met with no success, and in 1204 Pierre de Castelnau was so discouraged that he asked Pope Innocent III to be relieved of his office, but the Pope refused.

It was at this time that Diego, Bishop of Osma, and the sub-prior of his chapter, Dominic de Gusman, while passing through Languedoc, witnessed the failure of the Cistercian preachers and the strength of the heresy. They abandoned their voyage and henceforth devoted themselves to the fight against the heresy.

They adopted two means in order to regain the lost sheep. First they endeavoured to rival the Perfect in austerities. Sending back their equipage into Spain, Diego and Dominic went through the country with bare feet, clothed in fustian dress, without money—a contrast to the magnificence of the Cistercian legates. At the same time they preached many sermons and held debates in meetings presided over by mixed leaders and ending in the taking of a vote, quite in the modern fashion.

Many of these debates were striking ones. At Servian, near Béziers, Dominic and Diego were answered by an apostate priest, Thierry, and the discussion lasted for eight days. From thence the missionaries went to

Béziers, where debates went on for fifteen days. The same thing happened at Montréal, where the most illustrious Cathari, including Guilabert de Castres, argued against Diego and Dominic.

These missions had very varying results. At Verfeil, the obstinacy of the heretics was so great that Diego renewed against this town the curse which S. Bernard had laid upon it after his repulse: 'Verfeil (Viridefolium, green leaf), may the Lord wither thee!' At Montréal, on the contrary, S. Dominic seems to have come out on top; the judges who were on the side of the heretics refused to put the matter to the vote, and a hundred and fifty conversions to Catholicism followed the meeting (1206). A great debate took place the following year at Pamiers between the Catholics and the Waldenses, with Durand de Huesca at their head. The president belonged to the heretical party, but not only was he converted, together with his Waldensian companions, but he formed them into the pious Association of the Catholic Poor, who vowed to beg their bread, practise charity, and to preach to the heretics.

The partial success of these measures aroused the anger of the Cathari, who, certain of the support of the nobles, multiplied their attacks upon the Church. On several occasions, Innocent III appealed to Philippe Auguste, the King of France, and to his barons in the North, in order to obtain their protection for the Catholics in the South. On May 8, 1204, he asked them to put their forces at the disposition of the legates; on February 7, 1205, he did so again in a more pressing manner: he wrote to Philippe Auguste and to his eldest son, Prince Louis: 'In virtue of the power which you have received from on high, compel the counts and barons of the South to confiscate the property of the heretics, and punish similarly those of the nobles who shall refuse to turn them out of their lands.'

Counting on the support which the Pope thus requested from the King of France, Pierre de Castelnau took courage once more, and energetically carried on the struggle against the heresy. The Count of Toulouse had been excommunicated once because of the way he favoured the Cathari, but had been absolved in 1198 on promising to follow them up. He did not keep his promise. At the end of the year 1204, Pierre de Castelnau reminded him of this, and once more called upon him to proscribe the heretics and to confiscate their property. Raymond VI promised to do so; he allowed the legate to depose the Bishop of Toulouse, but did nothing himself. The legate negotiated a peace between many nobles, and then joined them together into a league against the heresy, and asked Count Raymond to join them. Raymond refused, and Pierre then directed the newly formed league against him. Finally, he pronounced against him a solemn sentence of excommunication, which was at once confirmed by the Pope. 'If this punishment does not bring you to your senses,' wrote Innocent III to Raymond VI, 'we shall enjoin upon all neighbouring princes to rise against you as against an enemy of Jesus Christ and a persecutor of the Church, with permission to each to retain all the land which he is able to seize from you, in order that the country may no longer be infected with heresy under your rule.'

In presence of these threats, Raymond VI submitted, and obtained the raising of the excommunication. But the Pope was kept informed by Pierre de Castelnau, and did not trust the Count of Toulouse, and just as the Holy See had appealed to the Cistercians in order to replace the clergy of the South, so also he entrusted to the King of France and his barons the defence of orthodoxy declined by the Count of Toulouse and the lords of the South. 'By a bull dated November 17, 1207, he

invited Philippe Auguste to enter the county of Toulouse to combat the heretics and re-establish orthodoxy there; to himself and to all those who should take part in this expedition Innocent III granted the same indulgences as to Crusaders going to the Holy Land.' Similar bulls were addressed to the counts, barons, knights, and to all Christians generally in the Kingdom of France, to the countesses of Troyes, Vermandois, and Blois, the Duke of Burgundy, the counts of Nevers and Dreux, and to Guillaume de Dampierre.

This was the Crusade against the Albigenses, preached by the Pope to all Northern France.

Philippe Auguste was busy with his war against England, and sent a cold reply to this solemn appeal. He stipulated as a condition for his intervention in the South the conclusion of a truce with England, guaranteed by the Holy See, and a financial levy from the clergy; even then he would only engage himself for a year.

In the midst of these difficulties there happened an unforeseen event which hastened the course of things. On January 15, 1208, just when he was crossing the Rhone after a stormy interview the previous evening at S. Gilles with the Count of Toulouse, the Apostolic legate, Pierre de Castelnau, was assassinated by someone unknown. At once public opinion pointed to Raymond VI as the instigator of the crime; the murderer was certainly one of his servants. The same opinion was held by the abbot of Citeaux and by the Pope.

'When he heard the news of this assassination, Innocent III displayed the greatest wrath.' The Chanson de la Croisade says that he was so upset that he held his hand on his cheek, and invoked S. James of Compostella and S. Peter of Rome. On March 10, 1208, he sent an encyclical letter to the Archbishops of Narbonne, Arles, Embrun, Aix, Vienne, and their suffragans. After praising Pierre de Castelnau and describing his

death, he imposed upon them the urgent duty of repressing the heresy which had instigated the murder. As for the Count of Toulouse, the Pope accused him of being an accomplice, and excommunicated him, absolving from their oaths 'all those who have promised him fidelity, society, or alliance.' He ordered all Christians 'to attack his person and to occupy his lands, saving the right of the chief lord.' The bishops were to assist the two legates, Arnaud, Abbot of Citeaux, and Navarre, Bishop of Couserans, in every way. The Pope at the same time ordered the Archbishop of Tours to arrange a truce between the kings of France and England, and then to join the Bishops of Nevers and Paris in preaching a Crusade in the lands of Philippe Auguste and his vassals.

None of these measures succeeded in moving the King of France to abandon his prudent reserve; in spite of the insistence of the Holy See, he contented himself with giving his barons permission to join the Crusade, and thus the Crusade army was formed in 1209 without the intervention of Philippe Auguste.

It was made up of a great number of nobles, prelates, and peasants. 'The army,' says the Chanson de la Croisade, 'was wonderful; twenty thousand knights completely armed, more than two hundred thousand vilains and peasants, not to count clerks and bourgeois.' Peter, abbot of Vaux-Cernay, who took part in the expedition, with the other Cistercian abbots, reduces these figures. He counted only 50,000 men in the army when it arrived under the walls of Carcassonne.

We do not intend to give a detailed account of the Albigensian Crusade, with its fluctuations, its victories and its defeats. The Battle of Muret, in which the principal ally of the Albigensians, King Peter of Aragon, was killed, seemed to assure the definitive triumph of Simon de Montfort, the leader of the Northern armies,

over Raymond VI and his southern forces. But five years later, the death of Simon beneath the walls of Toulouse once more made the issue doubtful, for the command of the Crusade passed into the hands of Simon's son Amaury, who was altogether inferior to his father in intelligence and character. In less than a year, Raymond VI, with the assistance of his enterprising son, regained a great part of the lost ground.

The Crusade seemed to be checked. That was the moment that Philippe Auguste chose to take over its direction, in order to gather in its fruits. His son, Louis, took over the command of the disorganised forces of Amaury, and after several campaigns in the course of his short reign of three years (1223–1226), he prepared the final victory, which was obtained, thanks to the diplomatic cleverness of his wife, Blanche of Castille, during the minority of her son, Louis IX. In 1229, Raymond VII, Count of Toulouse, sued for peace, which was made definitively at Paris in 1229.

In this treaty, Raymond VII gave over to the King of France Lower Languedoc, forming the seneschalries of Carcassonne and Beaucaire. He kept for himself only the country round Toulouse, Agenais, Rouergue, and a part of the Albigeois. He gave to a brother of Louis IX, Alphonse of Poitiers, his only daughter in marriage, and through her the eventual succession to the lands he retained himself.

The Cardinal legate, Romano de Sant' Angelo, who negotiated the treaty, had inserted into the text some clauses concerning the repression of the heresy. Raymond VII undertook to do what his father Raymond VI had refused to do before the Crusade, namely, to repress the heretics and to exterminate them, that is, to expel them from his lands after confiscating their goods.

In order to do this, it was necessary to seek them out all the more carefully now that they could no longer

count on the favour of the princes, and proceeded to hide themselves, giving to their sect the character of a secret society.

This seeking out (*inquisitio*) of the heretics with a view to their trial and extermination was the Inquisition.

This was really no novelty. We have seen above that from the very origin of Christianity, the princes, the Roman and Byzantine Emperors, and kings of France, had passed severe laws for the repression and punishment of heresy because of its anarchical and anti-social doctrines. The Popes of the twelfth century had only followed in their footsteps when they published decrees against still more dangerous heretics, and ordered rulers to carry them out.

Already in 1139, the General Council of the Lateran presided over by Innocent III, enacted the following in its 23rd canon: 'The heretics who reject the sacrament of the body and blood of the Lord, infant baptism, the priesthood and other orders, and condemn marriage, are expelled from the church of God. We condemn them, and we order the civil power to repress them.' The Council of Rheims which took place in 1148 under the presidency of Pope Eugenius III, frightened by the progress of the Cathari in the South of France, renewed these sentences: 'No one is to defend or protect the Cathari; no lord is to receive them in his territory, under pain of anathema and interdict.'

Alarmed, as Robert the Pious had been, by the anti-social and anarchical character of the heretical doctrine and system, the princes asked for similar decrees from the Church, and inclined it towards severity. Nothing is more interesting in this connection than the discussion which took place in 1162 between Louis VII, King of France, and Pope Alexander III.

The King's brother, Henry Archbishop of Rheims, alarmed at the progress of the Cathari, strenuously

opposed them when they appealed to the Holy See. Alexander III answered their appeal by recommending the Archbishop and the Count of Flanders to treat them gently. 'It is better to absolve the guilty than to attack innocent life by an excessive severity . . . . Forgiveness is more suited to churchmen than hardness.' And the Pope went on to quote Scripture, 'Noli nimium esse justus.'

Louis VII, to whom the Archbishop had to communicate this letter, wrote to the Pope urging severity instead of meekness. 'Our brother, the Archbishop of Rheims, in lately journeying through Flanders, found there men led astray by the most dangerous doctrines, followers of the heresy of the Manichæans. Observation has shown that they are much worse than they appear to be. If their sect continues to develop, it will be a great evil for the faith . . . . Let your wisdom give a special attention to this plague, and suppress it before it can increase. I beg this for the honour of the Christian faith; give the Archbishop complete freedom in this matter. He will destroy those who thus are rising against God; his just severity will be praised by all those in this country who are animated by a true piety. If you do otherwise the murmuring will not easily die down, and you will let loose violent reproaches of public opinion against the Roman Church.'

The Pope, who had been evicted from Rome and had taken refuge in the country of Louis VII, gave way in view of these representations. He convoked at Tours a Council at which were present twelve cardinals, a hundred and twenty-four bishops, three hundred and fourteen abbots, and a great number of others, and here took energetic measures against 'the Manichæan heresy which, like a cancer, had extended throughout all Gascony and into other provinces.' All bishops and priests were ordered to watch the heretics, and to have them

expelled from the country where they were found, to surprise them in their secret assemblies, and to have them condemned by the princes to imprisonment and the confiscation of their goods.

The King of England was just as severe against the heretics as the King of France. From Flanders they had taken refuge in 1163 in Great Britain. Henry II had them arrested, branded with a hot iron in the forehead, and exhibited thus disfigured before the populace. William of Newbridge tells us that in this way he completely preserved the realm from the pest of heresy. The Constitutions of Clarendon, drawn up by Henry II, forbade anyone 'to receive heretics into their houses, under pain of having their houses destroyed.' This meant the complete and radical extermination of the heresy, and as Lea remarks in his *History of the Inquisition*, it was decreed by a purely civil ordinance executed by lay officers and a secular jurisdiction, in the name of a monarch excommunicated by the Church, because of the way in which he endeavoured to subject it to the civil power.

When Louis VII and Henry II made peace, they persuaded the Pope to adopt still more energetic measures. It was at their request that Alexander III in 1179 sent the mission of the Cardinal of Saint Chrysogonus into the South of France. 'Henry II,' says the chronicler Benedict of Peterborough (1178), 'did not want to cross the sea and return to England before arranging with the King of France to send, in conjunction with him, into the county of Toulouse, ecclesiastics and laymen who would lead back the heretics to the true faith by preaching or reduce them by the sword.'

Alexander replied to their wishes by calling the Council of the Lateran when he returned to Rome. In the presence of the bishops there assembled, while recalling the fact that the clergy recoiled from sanguinary measures

(cruentas effugiunt ultiones), he invited the secular powers to enact penal sanctions 'against the Cathari, the Publicani and the Patareni, who, in Gascony, the Albigensian country, and the county of Toulouse, are not content with professing their error in secret, but manifest it publicly.' He anathematized their protectors, and whosoever should receive them upon his land, or have dealings with them. He summoned the princes and the people to arms against them. An indulgence of two years was granted to all Christians who should respond to this appeal; during their service in the holy army, their rights and property should be under the special safeguard of the bishops.

By this decree, Alexander III proclaimed for the first time the Holy War, or Crusade against the heretics.

From the beginning of his reign, Philippe Auguste had shown himself to be as severe against the heresy as his Father, Louis VII. In his *Philippide*, Guillaume le Breton praises him for having so energetically repressed these evildoers, 'whom the people call Popelicani, who condemn matrimonial bliss, declare wrong the use of meat, and spread abroad many other superstitions.' The King has made them come forth from their hiding-places, and after having them condemned by his tribunals, he has 'sent them to the stake,' in order that the material fire should be for them 'a foretaste of the flames of hell.' Thus, says Guillaume le Breton, the kingdom has been completely purged from heresy, and no one can live therein if he does not accept all the doctrines of the Catholic faith, or if he denies the sacraments.

If there was any monarch who was hostile to the Church, it was surely Frederick Barbarossa, Emperor of Germany, who set up anti-Popes against the true Popes, expelled by armed force the Sovereign Pontiff from Rome, forced him to live for many years in exile, laughed at his excommunications, fomented schisms, and en-

deavoured to subject the clergy completely to the civil power. But he was, like Henry II, Louis VII, and Philippe Auguste, a thorough persecutor of the heretics. It was he who, at the meeting of Verona in 1181, where were gathered together patriarchs, archbishops, prelates and princes from all parts of the Empire, persuaded Pope Lucius III to promulgate a new constitution, more severe than that of Alexander III, 'against the Cathari, the Patarians, those who are falsely called the Humiliati, and the Poor Men of Lyons; the Passagini, the Josephini, and the Arnaldistae.'

This Constitution of Verona, afterwards inserted by Gregory IX in the collection of Decretals, was, according to Lea, the most severe which had yet been passed against the heresy. It excommunicated, together with the leaders of the heresy, those who protected them, those who had received the Consolamentum from them, and those calling themselves Believers or Perfect ones. Such as were clerics were to be degraded, deprived of their offices and benefices, and delivered over to the civil power to be punished by it. Laymen were to be delivered to the secular arm in the same way and for the same object, especially if they had relapsed. Every archbishop was carefully to examine, either personally or by his archdeacon or by trustworthy persons, once or twice a year, any suspected parishes, and to make the inhabitants reveal heretics, whether declared or hidden, under oath. The latter were to purge themselves by oath from the suspicion of heresy, and were henceforth to show themselves to be good Catholics. If they refused to take the oath, or later on relapsed into error, the bishop was to punish them. Counts, barons, rectors, consuls of the towns and other places were to take an oath to assist the Church in this work of repression, under pain of losing their places, excommunication, and an interdict on their lands. Towns which resisted

the orders of the Bishops in these matters were to be banned by all the others ; no one could have any dealings with them. Whosoever should receive heretics in his home was to be declared ' infamus ' for ever, incapable of pleading, bearing witness, or exercising any public function. Lastly, the archbishops and bishops were to have in the matter of heresy all jurisdiction, and to be looked on as apostolic delegates by those who enjoyed the privilege of exemption by being placed under the immediate jurisdiction of the Holy See.

When Peter of Castelnau summoned Raymond VI not only to break off his suspected relations with the heresy but also to prosecute the Perfects and Believers and to expel them from his lands, he invoked on the one hand the civil legislation of the kings of France and England, suzerains of the Count of Toulouse, and the canonical legislation of Councils and Popes codified as it were in the Constitution of Verona.

Before passing on to examine the laws passed in the South of France after the Albigensian Crusade, there are certain things we must point out.

In the first place, it is quite evident that the civil power was just as upset at the existence and development of the heresies as the religious authority was, and perhaps even more. The ones which caused it most anxiety were not the purely theological heresies, for the civil power was not affected by Berengarius of Tours' denial of the doctrine of transubstantiation. It was afraid above all of those whose theological errors were accompanied by anarchic and anti-social doctrines. That is why princes excommunicated by the Church persecuted them at least as much as the Popes did—they saw that the triumph of the heresy meant, in the words used by Robert the Pious, ' the ruin of the country itself.'

From this point of view, the repression of heresy was a work of social defence just as much as one of religion.

In this policy of repression, the civil power preceded the Church, for the oldest laws against the Manichæans were made by the Pagan Emperors, and in the first centuries of this combat, it was usually the civil power which stirred up the zeal of the Church and the Popes, asking them for Conciliar canons and decretals corresponding to their own edicts and ordinances.

Before the Albigensian Crusade, the religious Inquisition was carried out by the bishops. It was they who inspected the parishes, sought out heretics, and proceeded against them and against all those who in any manner whatsoever gave them a home, help, or protection.

It was the bishops who invited the civil power to lend them its strong arm, and, according to the expression used later on, invoked the aid of the secular arm, or even demanded it. The Pope intervened only to lay down general rules, usually in a Council, as in the case of Innocent II, Eugenius III, Alexander III, and lastly Lucius III at Verona, or else in order to arouse and revive the zeal of the bishops and princes by extraordinary legations, personal or collective letters, warnings and threats, and sometimes even by sentences of excommunication or interdict against princes, and suspension or even deposition in the case of bishops or priests. But in its normal functioning, the Inquisition was an episcopal institution.

Accordingly, it was already constituted and functioned before the Albigensian war, and nevertheless it is to the defeat of the Albigenses and the Treaty of Paris that the establishment or at least the definitive organisation of the Inquisition is generally attributed. Why is this? It is simply because, without diminishing the function of the Ordinaries in the repression of heresy, the Sovereign Pontiffs dealt with it in a more direct and continuous manner in the South of France and subsequently in the whole of Christendom, by means of Inquisitors named

by them and invested by them with an authority which surpassed that of the bishops since it emanated directly from the Pope. Henceforth there were three powers concerned in the work of the Inquisition: the bishops directly or by their delegates; the Sovereign Pontiffs by the Inquisitors, whom they usually chose from among the two orders who were the militia of the Holy See in the Middle Ages, the Dominicans or Preaching Friars, and the Franciscans or Friars Minor; and lastly the civil power which put the secular arm at the disposition of the Church, until the day, which was soon to arrive, when the civil power itself made use of the redoubtable power of the tribunals of the Inquisition for its own political purposes.

The negotiator of the Treaty of Paris, Romano, Cardinal of Sant' Angelo, had made Raymond VII sign many undertakings concerning the repression of the Catharist and Waldensian heresies. The Count of Toulouse promised not only to punish the heretics, Perfect and Believers, with their accomplices, but also to seek them out from the hidden life which they had now begun to lead; to observe in every detail the instructions to be promulgated by the legate, and to have the condemnations decreed against them by the Ordinaries or any other regular authority put into execution.

The instructions thus anticipated—or what we should now call the rules of public administration as to the application of laws—were promulgated in November, 1229, by Cardinal Romano in the Council of Toulouse in the presence of Raymond VII and a great number of nobles of the South, the Royal seneschal of Carcassonne, the two consuls of Toulouse, the Archbishops of Narbonne, Bordeaux, and Auch, and numerous other prelates. 'It was there decided to have a general inquisition of the heretics; the archbishops and bishops

were to have this done in all the parishes of their dioceses, rural and urban, by a priest, or two or three laymen. If necessary the houses were to be searched one by one, including the cellars and all possible hiding-places—domos singulas et cameras subterraneas seu quaecumque alia latibula—and the heretics, Perfect and Believers, together with their adherents and their hosts, were to be handed over to the Ordinaries, lords, and their baillis for immediate punishment. Abbots were to make the same search in the exempted lands attached to their monasteries. A noble who should knowingly assist the heretics was to be despoiled of his possessions and handed over to his suzerain for judgement. A bailli who was negligent in the Inquisition would be recalled and declared for ever incapable of exercising the same functions. Every house in which a heretic had been found was to be destroyed. The King of France was empowered to repress the heretics in the county of Toulouse, and the Count of Toulouse and his vassals in the lands of the King.

'The rules then detailed what sort of treatment was to be applied to heretics who should be converted of their own free will, by fear, or any other cause, and lastly, sick persons suspected of heresy. They enacted that heretics, Believers, and suspects were incapable of exercising public functions, and declared that suspicion attached not only to those who had made compacts with the Cathari and Waldenses, but also to those who did not confess and communicate at least three times a year, at Christmas, Easter, and Whitsun. Article Eight enacted that no one could be condemned by the civil power as a heretic before he was declared to be such by the bishop or some other qualified ecclesiastical judge, in order to prevent heresy becoming a false pretext for condemnation.'[1]

[1] Mansi, *Conciliorum amplissima Collecti*, XXIII, pp. 191–198.

Such was the first set of rules of the Inquisition for the South of France. Many others were added to clarify and complete them. As he had promised, Raymond VII gave them the force of law in his territory by an act of February 18, 1232, which repeated the regulations word for word. Pope Gregory IX confirmed the act of his legate, and congratulated the Count on the zeal with which he saw to its observance.

Soon afterwards a Papal Bull gave new force to the institution of the Inquisition by providing it with permanent officials invested with Papal authority. On April 20, 1233, Gregory IX gave a mandate to the Provincial of the Dominicans of Provence to designate religious who should carry out in the South a ' praedicatio generalis ' against heresy, and to whom was to be entrusted the ' matter of the faith.'

This Bull did not exactly give to the Dominicans the monopoly of the Inquisition, for the bishops always retained the power of exercising it in virtue of their ordinary powers ; but in entrusting to them in a special way ' the matter of the faith,' Gregory IX opened the door to the important part played by the Friars Preachers in the Inquisition, the general conduct of which was entrusted to them above the bishops. Hence one of the most celebrated Dominican Inquisitors, Bernard Gui, regarded this letter as the chief title of his order to carry on the Inquisition ' in partibus Tolosanis, Albigensibus et Carcassonensibus atque Agennensibus.'

Almost at the same time, Gregory IX associated the Friars Minor with the Dominicans in this matter of the faith, not only in the South of France, but throughout all Christendom. The first Franciscan to exercise this office seems to have been Friar Etienne de Saint-Thibéry, from 1235 to 1242, and, according to Frédéricq, the first bull giving inquisitorial power to the whole of the

Order of St. Francis was that of Innocent IV on January 13, 1246.

The bishops, sitting in provincial councils, regulated the procedure of the inquisitorial tribunals, and their jurisprudence. In 1235, for instance, that of Narbonne enacted that a condemnation should only be pronounced upon a formal admission by the accused, or on decisive proofs, for, said the prelates, it was better to allow a guilty person to escape rather than to condemn an innocent one. At Béziers, in 1246, the bishops of the province of Narbonne, under the presidency of their metropolitan, Guillaume de la Broue, drew up thirty-seven articles on procedure : ' qualiter sit in inquisitione procedendum contra haereticos.' The same took place in many other councils held during the thirteenth and fourteenth centuries in France, Spain, and other countries of the Christian world.

Lastly, the Inquisitors themselves wanted their assistants and their successors to profit by their experience, and in practical manuals or Directories, they made clear how heresy was to be repressed, setting forth the legislation, jurisprudence, and empirical means which they themselves had found successful in discovering heretics and obtaining confessions from them. One of the earliest of these manuals was drawn up between 1244 and 1254 by four Dominicans who exercised the function of Inquisitors during these ten years in Languedoc, namely, Guillaume Raymond, Pierre Durand, Bernard de Caux, and Jean de Saint-Pierre. ' It contains formulæ for letters of citation, collective or individual, abjuration previous to interrogation, reconciliation and penance for the converted, sentences delivering the heretic to the secular arm, and posthumous sentences against those who had died in the heresy. The whole concludes with a warning as to the nature of proofs allowed, and on the conduct of the judges, who are not

to depart in any way from the path outlined in the apostolic constitutions.'[1]

In Aragon, a work of the same kind was prepared in a conference at Barcelona presided over by the Archbishop of Tarragona. It was drawn up by the Dominican, St. Raymond of Pennafort, the Penitentiary of Pope Gregory IX, and one of the canonists who codified the Decretals.

The best known of these manuals is the *Practica Inquisitionis haereticae pravitatis*, drawn up in the first quarter of the fourteenth century by Bernard Gui. Born in Limousin, at Royère, about 1261, this religious had made his profession in the Order of Preachers on September 16, 1280, and exercised inquisitorial functions in the Toulouse district from January 16, 1307. He was given missions in Italy and Flanders by John XXII, and was made Bishop of Tuy in Galicia in 1323, but remained Inquisitor until 1324. In that year he was translated to the see of Lodève. He died at the château of Lauroux on December 30, 1331.

The Abbé Mollat, who has recently edited, after Mgr. Douais, the *Practica* of Bernard Gui, thus describes the work: 'It is divided into five parts. The first contains thirty-eight formulæ concerning the citation and capture of heretics, as well as the appearance of any persons who might take part in any way in an inquisitorial trial.

'In the second part we have fifty-six acts of grace, or commutation of punishment, made in the course of and outside of the general sermons pronounced by the inquisitors.

'The third part comprises forty-seven formulæ of sentences pronounced on the occasion of or outside these same sermons.

'The fourth consists in a "short and useful instruction"

[1] Douais, *L'Inquisition dans le Midi de la France*, p. ccxxxiv.

concerning the power of the inquisitors, their excellence, their extent, exercise, and grounds. This little treatise is modelled upon the scholastic and juridical writings of the time, that is, it is full of divisions and subdivisions and the text is surrounded by a mass of extracts from Imperial edicts, consultations of jurists, and previous apostolic constitutions not in the *Corpus juris canonici*.

'The fifth part is the chief portion in the work of Bernard Gui. It is entitled, "Method, art, and procedure to be employed in the search and interrogation of heretics, believers, and their accomplices." We find therein a methodical exposition of the doctrines and rites customary among the Cathari, Waldenses, pseudo-Apostles, Beguins, and examples of interrogatories. The author devotes only a few pages to convert Jews who return to Judaism, sorcerers, invokers of demons, and diviners. He also gives the text of acts of procedure in the case of these various kinds of heretics.'

A few years after Bernard Gui, a new Manual of the Inquisition was written by another Dominican Inquisitor, Nicolas Eymeric. Born in 1320, he entered the Dominican Order at the age of fourteen. In 1357, he became Inquisitor General of Aragon, in succession to Nicolas Rossel, who had been created a cardinal by Pope Innocent VI. His epitaph says he was a 'fearless Inquisitor,' and defended the faith during forty years. Afterwards, when, followed by the hatred which his severity had accumulated against him, he retired to Avignon to Gregory XI and the Antipope Clement VII, he continued to fight against the heretics by writings showing how they were to be dealt with. He thus composed two treatises, one on *The Action of the Church and the Inquisitors against the Unbelievers invoking demons*, the other on *The action of the Inquisitors against the Unbelievers opposed to our Holy Faith*, and lastly we have the *Directorium Inquisitorum*, composed in 1376.

'This was written by as expert a practitioner as was Bernard Gui; moreover, being written at the Pontifical Court of Gregory XI, whose chaplain Eymeric was, it seems to have a more official character. It is also the most methodical and the best written of the works of this kind. It comprises three parts. The first gives a general exposition of the Catholic faith, and leads the way to the second, which gives a rapid survey of heresies, and specifies the offences subject to the Inquisition. In the third part we have very precise instructions on the functions of the inquisitors, the rules of procedure, and the penalties. A profound knowledge of law is displayed in this work, and this gives it a precedence over any other.'[1]

Lastly, we see the actual functioning of the tribunals of the Inquisition in the Acts, which give us in a great number of cases verbatim reports of the interrogatories of the accused and the witnesses. In the preface of his edition of the *Documents pour servir à l'histoire de l'Inquisition dans le Midi de la France*, Mgr. Douais has drawn up a list of Acts concerning this region in the thirteenth century which have come down to us, with particulars of the manuscripts which give us either the original or a copy.

Thanks to these various documents, we are able to reconstitute a typical trial by the Inquisition.

[1] Douais, *Les sources de l'histoire de l'Inquisition dans le Midi de la France*, p. 75.

CHAPTER III

THE FUNCTIONING OF THE INQUISITION

THE Abbé Vacandard, in his book on the Inquisition, mentions the following steps in the course of a trial: time of grace, summoning and taking evidence from witnesses, interrogation of the accused, sentence of reconciliation in the case of repentant heretics, sentence of condemnation of obstinate ones. To these we may add the execution of the sentence.

When the presence of a heresy was notified in a country, the inquisitor nominated by the Pope went there alone or accompanied by a representative of the Ordinary also duly qualified, in order to look into the matter, together with all the officials constituting the tribunal. He visited the civil authorities to present to them his credentials and to request their assistance and protection, which they had to provide under pain of excommunication, interdict, and even deposition. Then he promulgated two edicts. In the first, the 'edict of faith,' he ordered all those who knew heretics or their accomplices to denounce them to him, under pain of excommunication. In the second, the 'edict of grace,' he mentioned a period of from fifteen to thirty days, during which any heretic or suspect person could obtain pardon by means of a canonical penance, if he should give himself up spontaneously. These edicts were brought to the notice of the public, usually by a sermon.

When the period mentioned had expired, the tribunal was set up. It comprised the inquisitor or his delegate,

the commissaries, the *boni viri*, subordinate officials, jailors of the prison, in those places in which the Inquisition possessed one (as at Carcassonne and Toulouse, for instance), and hence did not have to borrow those of the diocesan or civil authorities; the notary, clerks, and subordinate employees.

Several categories of persons were to be sought for: (1) The heretics, that is, those who had made a formal profession of heresy by being initiated into the sect, and performing all the duties which this involved; in the Catharist sect, the heretics were the Perfect ones. (2) The Believers, that is, those who adhered to the heresy without submitting themselves to all its laws and practices. (3) The suspects, who were usually Believers, such as those who frequented the sermons of the heretics, bowed the knee before them, prayed with them, and asked their blessing. A person might be suspect *simpliciter*, *vehementer*, *vehementissime*, according to the degree of sympathy he had manifested towards the heretics. (4) The concealers, those who had undertaken never to denounce the heretics. (5) The *receptatores*, those who had given asylum to the heretics knowingly and at least on two occasions, in order to save them, or to give them an opportunity of preaching, taking meals, praying together, or celebrating their rites. (6) The *defensores*, those who had defended the heretics, either in word or in deed, or merely by denying the right of the Church to attack them; if the defence of the heretics reached a certain degree the defender was called a *fautor*. (7) Lastly, the relapsed, that is, those who, having abjured the heresy, had returned to it in some way or other.

It is to be noticed that to be guilty and punishable, a person had to commit some external act. As long as error or affection for error was not manifested externally, it was not a matter for a process. It was not the error

in itself that was attacked, but the external profession of error, or the material support given to its diffusion.

The greatest precautions were taken in the choice of the inquisitors and their assistants. Belonging as they did to religious orders, they were under the surveillance both of their superiors and of the Pope, who was kept informed by his legates and the Ordinaries. On the other hand, all those who constituted an inquisitorial tribunal were bound to the practice of fraternal correction, and if this failed to produce its effect, the person who failed to take such observations into account was to be reported to the Holy See. Hence the inquisitors were generally upright men.

Bernard Gui, in his Manual, draws this attractive portrait of what an inquisitor should be, and what he himself tried to be in his own functions: 'He ought to be diligent and fervent in his zeal for religious truth, the salvation of souls, and the extirpation of heresy. In presence of difficulties and reverses he ought to remain calm, and never give way to anger or indignation. He ought to be fearless, facing danger up till death, but while not flinching in the presence of peril, he ought not to hasten it by unreflecting boldness. He must be insensible to the prayers and advances of those who endeavour to persuade him; nevertheless he must not harden his heart to the point of refusing delays or relaxations of punishment, according to circumstances and places . . . . In doubtful matters he must be circumspect, and not give easy credence to what seems only likely and often is not true, for often that which seems unlikely ends by being true. He must listen, discuss, and examine with all his zeal, in order patiently to attain to the light. Let that love of truth and mercy, which ought always to dwell in the heart of a judge, shine on his countenance, so that his decisions may never seem to be dictated by envy or by cruelty.'

The Sovereign Pontiffs had an equally high idea of the inquisitor, as was demanded by his grave office. They insisted that he should be of a certain age. Clement V, at the Council of Vienne, decided, as did many of his predecessors, that the minimum age required in an inquisitor was forty years. They also required proofs of intelligence and honour. Alexander IV in 1255, Urban IV in 1262, Clement IV in 1265, Gregory X in 1273, Nicholas IV in 1290, insisted on the required qualities of mind, purity in morals, and the most scrupulous uprightness. Similarly in the case of knowledge; an inquisitor had to possess a thorough knowledge of theology and canon law.

When the inquisitors fell short of this ideal, the Popes reprimanded them, sometimes severely. Innocent IV on January 13, 1246, and Alexander IV on May 13, 1256, ordered the provincials and generals of the Preachers and the Friars Minor to depose those inquisitors in their orders who were offending public opinion by their cruelty. On many occasions, the Popes directly rebuked the inquisitors. 'From the commencement of the Inquisition (1234), the Count of Toulouse denounced their excesses to Gregory IX, and the latter at once charged his legate, the Archbishop of Vienne, to repress them. He gave counsels of wisdom, moderation, and prudence to the bishops of Toulouse, Albi, Rodez, Agen, and Cahors, recommending to them "purity of intention" and the "virtue of discretion."' After he had congratulated the French Inquisitor, Robert le Bougre, for his zeal, Gregory IX learnt that he had exercised his functions in a cruel manner. He at once ordered an inquiry, and when this proved the truth of the accusation, he condemned him to perpetual imprisonment. The inquisitors incurred the sentence of excommunication and in consequence of deposition, 'if they persecuted anyone unjustly or for wrong

motives'; and only the Pope could remove these punishments from them. The same held good 'if the inquisitor, moved by avarice, should be guilty of extortion in the exercise of his functions, for the sake of personal gain.'

The other members of the Holy Office, commissaries, notaries, scribes, and subordinate employees, were bound by the same integrity under the same penalties. A consistorial act of Pope Benedict XII on February 18, 1340, shows how vigilant the Holy See was in this matter. When the nephew of John XXII was nominated Bishop of Albi, five consuls of this town were sent to Avignon to present their homage and that of their fellow citizens to the Pope, the Cardinals, and their new bishop. One of them, Giraud Coll, took the opportunity of denouncing the injustice and abuses committed by the notaries of the Inquisition at Albi to Cardinal Fournier.

John XXII died very soon after, and Cardinal Fournier succeeded him under the name of Benedict XII. In order to counteract the complaint of the consul from Albi, Menet de Robécourt, the commissary of the Inquisition at Carcassonne, and canon of the collegiate church of Montréal, laid an information against Giraud Coll, accusing him of endeavouring by his complaint to interfere with the work of the Inquisition. Benedict XII took the matter in hand himself, and entrusted it to two cardinals for examination, who, after hearing the two sides, pronounced against the commissary of the Inquisition. Benedict XII himself pronounced sentence, condemning Menet de Robécourt, who was deprived of his office and had to pay over to Coll, whose rights were vindicated, all the costs of the case, and the damages he had suffered.[1]

Other facts of the same kind have led to the following judgement on the officials of the Holy Office from the pen

[1] Vidal, *Bullaire de l'Inquisition française*, p. 266.

of a historian usually very severe on the Inquisition, M. de. Cauzons: 'The cases of corruption known to us are very rare, and everything leads us to infer a general uprightness, joined to a strict discipline, amongst the inquisitorial officials.'[1]

Once the tribunal had been constituted, the inquisitor, with the assistance of his commissaries, drew up a list of the persons suspected of heresy or openly professing it, according either to public report, or denunciations. In the edict of grace promulgated on his arrival, the inquisitor had, as we have pointed out, enjoined all those who knew heretics, Believers or suspects, to denounce them to him, under pain of excommunication and of becoming themselves suspect of heresy.

Those inculpated were immediately cited before the tribunal of the inquisitor, or the Holy Office, either by three warnings delivered at their houses by the parish priest of the place, or else by a notice read from the pulpit on the Sunday. The last citation was said to be a peremptory one. Some inquisitors contented themselves with one single citation. If the person cited did not present himself either personally or by a procurator, he was pronounced provisionally contumacious. Contumacy involved excommunication, and became definitive at the expiry of a year, the case meanwhile remaining in suspense.

Sometimes the accused person was arrested and put into prison until the day of the trial; this seems to have been the case when he was an important or dangerous person. Sometimes the Holy Office made the arrests itself by its officials, but this work was more usually entrusted to the civil authority. For on the one hand the Sovereign Pontiffs and the Bishops laid upon the civil magistrates the duty of handing over the heretics, under pain of being themselves suspected of heresy or of

[1] De Cauzons, *Histoire de l'Inquisition*, II, p. 86.

complicity, and on the other hand, almost all the princes had, when accepting the Inquisition, enjoined 'upon their officers, as well as upon those of the counts and barons and nobles who were their vassals, the scribes, judges, baillis, and sergeants depending upon any authority whatsoever . . . . to lend aid and counsel to the inquisitors in the exercise of their functions, and to obey their orders and requisitions.'

When the accused, thus arrested or thus detained in prison, were brought before the tribunal, they were informed as to the suspicions, denunciations and charges which had been made against them. Many naturally asked for the names of the denunciators, if only to dispute the value of their testimony. In such a case, the inquisitor found himself face to face with a difficulty which custom had decided in an unfavourable sense.

Among the inquisitors, some refused to give the names of the denunciators. This has led many historians of the Inquisition to wax indignant. 'The accused,' wrote Mr. Lea, 'was judged on evidence which he had not seen, emanating from witnesses of whose existence he was ignorant.' M. de Cauzons has replied by giving the reason which in certain cases necessitated anonymity in the denunciators. 'This custom,' he said, 'had not been introduced in order to hinder the defence of the accused; it had arisen from the special circumstances in which the Inquisition was founded. Witnesses who thus denounced the heretics had had to suffer in consequence of their depositions before the judges; many of them had disappeared altogether, stabbed, or thrown into the ravines in the mountains, by the parents, friends, or co-religionists of the accused. It was the danger of bloody reprisals which imposed anonymity. Without it, neither denunciators nor witnesses would have been willing to risk their lives and give testimony at this price before the tribunal.'

Other inquisitors, on the other hand, gave the names of the denunciators, and even confronted them with the accused. Lea himself writes: 'When Boniface VIII embodied in the Canon Law the rule of withholding the names, he expressly cautioned bishops and inquisitors to act with pure intentions, not to withhold the names when there was no peril in communicating them, and if the peril ceased they were to be revealed.'[1] In 1299, the Jews of Rome complained to Boniface VIII that the inquisitors kept back from them the names of the accusers and witnesses. The Pope acknowledged that the Jews, although very rich, were without defence, and ought not to be exposed to the oppression and injustice resulting from the methods of which they complained; in the end, they obtained what they asked. The same applies to the confrontations; they were suppressed only when to have allowed them would have been a danger for the witnesses. This explains why sixteen witnesses were confronted with the accused in the case of Bernard Délicieux, in 1319.

In cases where the anonymity of the denunciators or witnesses was retained, the accused was nevertheless not by this means given over to the good pleasure of the inquisitor. The latter had to communicate the names of the denunciators and witnesses to the notaries, assessors, and all his assistants, who, as we have seen, had to control his acts, and these latter were bound in the case of abuses to denounce them in their turn to the religious heads of the inquisitor, the bishops, and even the Sovereign Pontiff. On March 16, 1261, Pope Urban IV ordered that these names should also be communicated to the *boni viri* whose function we shall shortly examine, and who to a certain extent resembled our jurymen, and who were able to make up for the absence of publicity.

On the other hand, the accused were invited to say

[1] Lea, *History of the Inquisition of the Middle Ages*, I, p. 438.

who were their mortal enemies, and the reason of their hatred; these persons, if they figured among the denunciators or witnesses, were straightway set aside by the inquisitor, his assessors, and the *boni viri*.

Lastly, Lea himself recalls that fact that 'a false witness, when detected, was treated with as little mercy as a heretic.' After all sorts of humiliating ceremonies, he was usually cast into prison for the rest of his life. Four false witnesses at Narbonne in 1328 were regarded as particularly guilty because they had been suborned by personal enemies of the accused. They were condemned to perpetual imprisonment on a diet of bread and water, and to be chained hand and foot. The assembly of experts which took place at Pamiers on the occasion of the *auto-da-fé* of January 1329 decided that the false witnesses were not only to suffer imprisonment, but also to repair the damages which they had caused to the accused.[1]

In his Inquisitor's Manual, Bernard Gui teaches that the procedure of the Holy Office was not to follow that of Common Law. In virtue of his discretionary power, 'the judge was to proceed directly, *de plano*, without the noise of advocates or figure of judgement.' He was not to stop because of legal exceptions, dilatory methods, or exemptions from jurisdiction. Doubtless Bernard Gui himself acted thus, and for this purpose he could have appealed to canonical texts. The Council of Albi in 1254 used the same expressions in its 23rd canon that Bernard Gui uses: 'Ne inquisitionis negotium per advocatorum strepitum retardetur, providendo statuimus quod ab inquisitoribus non admittantur in processibus advocati.'

Although it was based on good authorities, this practice was far from being universal, and in a great number of cases we find inquisitorial tribunals granting

[1] Lea, *op. cit.*, Vol. I, p. 442.

advocates to the accused, not only to plead in their favour, but also to assist them in all the stages of the case. In the trial of Raymond Amiel, a monk of Saint-Polycarpe in the diocese of Alet, by Guillaume Lombard, inquisitor delegated by Benedict XII, the accused was given an advocate by the tribunal. In the report of the trial of Arnaud Assalhit we have the following reference to fees due to the two advocates of the accused: 'Magistris Guillelmo de Pomaribus et Francisco Dominici advocatis, pro labore et patrociniis ipsorum.' The trial of Joan of Arc was an inquisitorial one, and from the beginning the judges asked Joan if she wanted the services of an advocate, but she declined.

Contradicting Bernard Gui, the Inquisitor Eymeric in his Manual states that 'the accused ought not to be deprived of legal defence, but they should be granted an advocate and a procurator, provided that these are trustworthy, loyal, not suspected of heresy, experts in civil and canon law, and zealous for the faith.'

The accused was invited by the judges to defend himself, either by replying to the questions of the interrogatory, or else by himself presenting memoranda or observations prepared in advance, or again by calling for legal defence. The majority of the trial reports include the following statement: 'The accused was asked if he intended to defend himself from the accusations mentioned in the inquiry, and he replied in the affirmative: "Requisitus si velit se defendere de his que in inquisitione inventa sunt contra eum, dixit quod sic."' Sometimes this question was asked three consecutive times: 'Iterum fuit requisitus semel, secundo et tertio si volebat aliud dicere ad defensionem suam vel aliquas legitimas exceptiones proponere.' The pronouncement of judgement always began by stating that the defence had concluded: 'expeditis defensionum processibus.'

Amiel, the monk of Saint-Polycarpe, did not content

himself with replying orally to the accusations made against him ; he also handed in a memorandum in which he claimed that the citation, and indeed the whole process was illegal.

The accused person had the right to produce witnesses against the charge, and to have them interrogated in his presence. Lastly, he could refuse to be tried by the judges and the inquisitor himself, giving reasons of which the inquisitor was indeed the judge, but also the Pope, in case of an appeal. This happened in the case of Jean l'Archevêque, Lord of Parthenay, accused of heresy by the Dominican Inquisitor Maurice de Saint Paul. After much delay, his protests were in the end accepted by the Curia at Avignon, and the new judges granted by the Pope acquitted him.

In order to protect the accused against the possibility of the inquisitor and his commissaries being arbitrary, the interrogation of the accused had to take place in presence of *boni viri*, good men and true who formed the jury, the opinion of which was to be asked before the passing of sentence. This was laid down in a bull of Innocent IV on July 11, 1254, 'because, in the case of so grave an accusation, one must proceed with the greatest precautions.' The number of these jurymen was at first fixed at two, but very soon it was greatly increased. Even before the promulgation of the bull of Innocent IV, the inquisitors of Toulouse, Bernard de Caux and Jean de Saint-Pierre, passed judgement 'after having taken the opinion of many prelates and other good men who had been present at the whole process : communicato multorum prelatorum et aliorum bonorum virorum consilio.'

These assessors, 'experts in both kinds of law,' did not content themselves with being silent spectators ; they gave juridical consultations on the process which they attended, and other cases of the same kind which were to be borne in mind.

Mgr. Douais, in his book on the Inquisition, mentions several of these consultations. In the one which took place at Lodève, in the chapter house, the inquisitor Jean de Beaune counted on July 2, 1323, twenty-three persons, with the two vicars-general of the bishop. On August 9 and 11, in the hall of the Bishop of Pamiers, there was an inquisitorial meeting of thirty-nine *probi viri*. On February 22 and 23, 1325, there were fifty of them at Carcassonne around the Inquisitor Jean de Prat and the bishop. Mgr. Douais gives us the names of those who constituted the council in the house of the Inquisition at Carcassonne under the presidency of the Inquisitor, Henri Chamayou ; among them were the commissaries of several bishops of the province of Narbonne, canons, parish priests, religious, and also the seneschal and consuls of Carcassonne, civil judges, and a great number of licentiates in law or in the decretals, doctors of laws, and altogether twenty lay jurists out of fifty-one persons, not counting the royal officers.

The presence of these laymen in these councils of the Inquisition was a valuable guarantee for the accused. In the first place it assured a certain publicity for their trial, and brought the religious judges, endowed with a discretionary power, face to face with counsellors accustomed to the procedure of common law, and able to profit by it in their counsels when the ecclesiastical judges departed too much from it.

We must also remember that during the thirteenth and fourteenth century there was in many towns, especially in the South of France, a tendency towards anti-clericalism, understanding by this word not hostility to religion, but a certain opposition to the domination of the clergy. At Narbonne, Carcassonne and Albi, for instance, the municipal magistrates were sometimes in conflict with the Inquisition itself, and denounced its abuses. At Narbonne, in order to curb the power of

the metropolitan chapter, the consuls in the fourteenth century hindered the construction of the cathedral, which has remained unfinished till our own days. Now these lay jurors appointed to the inquisitorial tribunals belonged to the same legal class, or to families invested with municipal offices, and shared their views ; in them accordingly the accused often found a bias in their favour not openly averred perhaps but nevertheless real.

The inquisitors preferred the confessions of the accused to proofs based on testimonies and contradictory discussions. In order to obtain them, according to Mollat, in his analysis of the *Practica* of Bernard Gui, ' they promised to save the lives of and exempt from prison and exile all those who should spontaneously confess their faults.'

When these promises remained without effect, recourse was had to torture.

The opponents of the Church have made a great case against her because of the tortures of the Inquisition. The judges of the Holy Office are usually represented in the guise of monks presiding over the most frightful tortures in order to extort confessions. For a long time there was shown at Carcassonne a room known as the Question Room, and all kinds of stories were told accompanied by the exhibition of barbarous instruments more or less genuine. We must refrain from any tendentious exaggeration, and allow the facts to speak for themselves.

For many centuries, the Church had remained hostile to the kind of torture allowed by the lay tribunals. Replying to an enquiry from the Bulgars, Pope Nicholas I declared in the ninth century that this method of enquiry ' was not allowed either by human or by divine laws, for confession must be spontaneous.' Adopting the same formula, the Decretal of Gratian, a compilation

of canon law made in the twelfth century, said that confession must be spontaneous and not extorted. The development of Roman Law in the thirteenth century led to the reintroduction of torture into civil justice; it appears in the Veronese Code of 1228, and in the Sicilian Constitutions of Frederick II in 1231.

The Inquisition also adopted it, for it was practised by the Holy Office in the South of France about 1243. Before that year, a certain Arnaud Bordeler of Lauzerte was put on the wooden horse, but no confession was extracted from him: 'Fuit levatus in equuleum sed nihil dixit nec potuit ab eo extorqueri.' Shortly afterwards, a certain Raymond de Na Richa, of Toulouse, 'fuit tractus,' and confessed.

Pope Innocent IV, in his bull 'Ad extirpanda' of May 15, 1252, allows the use of torture, laying down the cases and conditions of its employment by the Holy Office. He bases this on the use of torture in the royal and feudal tribunals in the case of robbers and brigands.

Alexander IV on April 27, 1260, and Urban IV on August 4, 1262, allowed the inquisitors themselves to be present at the torturing, to direct it, and to have confessions made during it taken down by their notaries.

It certainly seems that some inquisitors used this rigorous method in a cruel manner. Towards the end of the thirteenth century, Philippe le Bel himself denounced them in letters to the bishop, seneschal, and inquisitor of Toulouse. Similar complaints were carried even to the Holy See by citizens and consuls. Accused of plotting against the Pope Benedict XI and Philippe le Bel, and of hindering the work of the Inquisition, the Franciscan Bernard Délicieux was put to the torture in 1319 by the Holy Office of Carcassonne, but he only confessed to hostility towards the Inquisition. Jean de

Belegneyo, canon of Autun, when trying at Poitiers, in the bishop's name, a woman accused of heresy, had live coals played upon the soles of her feet. Under the stimulus of the pain, this woman 'confessed errors and horrible crimes against the Catholic faith,' and denounced numerous accomplices, who were also subsequently punished. She would not have done this without torture. The Canon states that he ordered torture only because the jurymen who assisted him told him that torture was practised by the Inquisition of Toulouse; 'se asserebant vidisse examinari hereticos in partibus Tholosanis.' A short time afterwards this woman died in prison, and as her death might have been provoked or hastened by the torture, the judge asked for absolution for this from Pope John XXII in a petition which narrates all these facts. He was granted it by a bull of July 28, 1319.[1]

Other inquisitors were less severe. Bernard Gui mentions torture in his Manual, but only briefly, which leads us to think that he did not make much use of it. As for Eymeric, who always tells us of his own experience, he did not believe much in the efficacy of torture of the accused. He says that some prefer to die rather than confess; others become insensible; those of a weak nature confess everything without distinction. 'Torture is deceiving and inefficacious; quaestiones sunt fallaces et inefficaces.'

Eymeric was not the only one who thought thus. In the South of France, where the Inquisition displayed great activity in the thirteenth and fourteenth centuries, the trial reports rarely mention torture. This is pointed out, not without astonishment, by the American historian Lea, so hostile to the Inquisition. 'It is a noteworthy fact,' he says, 'that in the fragmentary documents of inquisitorial proceedings which have

[1] Vidal, *Bullaire de l'Inquisition française*, No. 51.

reached us, the references to torture are singularly few.'[1] The same is true of the Inquisition in Provence, and of that in the North of France.

The Popes had taken care to pass measures limiting the degree of torture, and the cases in which it was permitted to have recourse to it. It was never to be carried on to the loss of a member, and still less until death: 'citra membri diminutionem et mortis periculum.'

Moreover, the Manuals of the Inquisition, and especially that of Eymeric, point out that the question 'was only to be practised in grave cases, and when the presumptions of guilt were already strong.' Speaking generally, to put anyone to the torture it was necessary to possess already what one might call a half proof of his crime, for instance, two 'strong indications,' in inquisitorial language, such as the deposition of a serious witness on the one hand, and on the other the evil reputation, evil morals, or again attempts at escape on the part of the accused.[2]

It was inflicted only when the other means of investigation were exhausted. Lastly, it was not left to the inquisitor, excited perhaps by the search for the truth, to order it by himself alone. It required a special judgement, in which the bishop or his representative was to participate. This measure was taken in 1311 at the Council of Vienne, by Pope Clement V.

When the discussions had all terminated, and the defence had said its last word, there remained only to pronounce sentence.

This was not left to the sole judgement of the inquisitor and his commissaries, but was deliberated upon in a Council in which the inquisitor asked the opinion of the *probi viri*, who had been present at the interrogations. This is stated in the Manual of Bernard Gui. The inquisitor, he says, 'was obliged to ask the opinion of the

1 Lea, *op. cit.*, p. 423. 2 De Cauzons, II, p. 237.

consulentes. . . . He made a summary of the accusations and the confessions, and put it before them; he suppressed the name of the accused in order to avoid any partiality, and asked their opinion on the question of guilt and the punishment.' This is stated in the very text of the sentences of acquittal or of condemnation.

On June 4, 1329, at Béziers, Henri Chamayou, of the Order of Preachers, Inquisitor of the Kingdom of France residing at Carcassonne, had to judge Brother Peter Julian of the Order of Friars Minor, for heresy. The bishop and the Inquisitor gathered together in the Bishop's Room thirty-three *boni viri*, whose names figure in the decree of judgement, and each of these was interrogated individually on the question of fact, that of guilt, and, in the event of this being recognised, on the punishment to be inflicted: 'Praefati domini episcopus et inquisitor petierunt consilium super facto et culpa praefati fratris Petri Juliani inibi recitata et specificata, interrogando quemlibet divisim unum post alium.'

By way of example, here are the replies of some of these jurymen, as given in the report of the sentence.

Bernard Veyriaud, chief justice of Carcassonne, said that he would not go so far as to acquit Friar Julian[1] of the accusation of being a relapsed heretic, and still less to condemn him as such, but he thought it merciful to imprison him for life in his own order.

Jacques Berthomieu, licentiate in law, advocate of fiscal causes of the king in the seneschalsy of Carcassonne and Béziers, said that he did not think the friar guilty of heresy or of relapsing, but an apostate from his order (by breaking the ban of his order), not from the faith. In this connection he refers to the text of the chapter

[1] In contrast to what has been said previously, in this case the 'consulentes' had full knowledge of the names of the accused; this shows how variable was the inquisitorial procedure, and how one would err if one were to judge it not according to its practice, but according to the juridical texts.

'Accusatus extra de haereticis,' in the *Sextum* of the Canon Law.

Invoking the same text, and commenting on it differently, Friscus Richomanni, doctor of law, said that he believed and considered the said friar to be a relapsed person, and punishable as such.

The majority of the counsellors held one or other of these views.

Bernard Cabot, doctor of law, and an official at Béziers, declared that in view of the terms of Julian's abjuration, and those of the chapter 'Accusatus' in the *Sextum*, he held him to be a relapsed person, but in view of the difference of opinion among the counsellors, it seemed to him reasonable to condemn him only to perpetual imprisonment after degradation.

When the opinions had all been taken, including that of Friar Guillaume de Salvella, guardian of the Friars Minor of Béziers, explaining the act of his confrère the accused, the bishop and the inquisitor, in view of the difference of opinion, adjourned the case in order to get fuller information, and judgement was passed, says the sentence, 'in presence of the majority of the *jurisconsulti* who had given their opinions: sedentibus dominis episcopo et inquisitore et remanentibus in ipso loco magna parte ipsorum et majorum et peritorum,' and 'taking into consideration the various opinions expressed: deductis in discussione opinionum praedictarum multis rationibus hinc inde allegatis.'

In another trial which took place at Carcassonne, in the house of the Inquisition, Friar Chamayou, the inquisitor, had around him 51 counsellors. Nine persons were judged at the same time, and in each instance the collective opinion of the jurists was given.

After listening to extracts from the confessions of Guillelme de Barbaira, and having these in their hands, all the counsellors, including the Seigneur Hugues de

Cavrol (that is, the great majority), decided that the lady was really a Believer in the heretics, and on this account deserving of perpetual imprisonment.

In the case of Raymonde Jeunie, wife of Guillaume Jeunie of Saissac, in the diocese of Carcassonne, and her daughter Guillelme and brother Pons, all the counsellors, except Maître Guillaume who had not yet arrived, declared mother and children to be Believers, and therefore worthy of imprisonment for life, but they asked for indulgence in the application of the penalty to the children: 'omnes concorditer, excepto magistro Guillelmo qui nondum venerat, dixerunt eamdem matrem et liberos ejus fore Credentes errorum et heresis et tanquam tales perpetuo immurandos; tamen cum liberis predictis mitius est agendum.'

The majority of the inquisitorial sentences in the South of France in the thirteenth and fourteenth centuries include in their beginning a mention of this deliberation on the part of a jury or *boni viri:* 'Communicato multorum praelatorum et aliorum bonorum virorum consilio'—'communicato consilio multorum bonorum virorum peritorum tam in jure canonico quam civili et religiosorum plurium discretorum.'[1]

I had these documents in mind when writing in a previous study[2] on the Inquisition: 'These consultations, more or less numerous according to the circumstances and the country, but always obligatory, were real juries, functioning practically like those of our own time, but deciding not only the question of guilt, but also on questions of law which arose, and on the application of the punishment. Now—and this has not received sufficent notice, and had even been passed over altogether by certain historians who are enemies of the Church—on this point the procedure of the

[1] Douais, *L'Inquisition*, p. 237.
[2] *Dictionnaire d'apologétique de la foi catholique*, article "Inquisition."

Inquisition was much more liberal than that of the time; it was centuries in advance of its time, and gave to the accused the benefit of an institution which is usually ascribed to the Revolution. We say again that juries functioned on French soil, and in the whole of Christendom, five hundred years before the reforms of 1789 . . . and functioned in the tribunals of the Inquisition.

'The functioning of these juries was not only a guarantee of the first importance for those accused of heresy; their intervention must often have been exercised in the direction of indulgence, for that is the general tendency of all juries. Moreover, family influences and recommendations of all kinds would doubtless be made to these counsellors, leading them to moderate the sentences which the zeal for orthodoxy and superstitious respect for juridical texts might have inspired in the inquisitors themselves. In any case, as Innocent IV desired, the functioning of these councils constituted a precaution the importance of which was proportioned to that of the trial itself: "In tam gravi crimine, cum multa oportet cautela procedi."

'After that, what are we to think of those historians of the Inquisition who say that in presence of these redoubtable tribunals, accused persons were condemned beforehand? Lea says that a person who fell into the hands of the Inquisition had practically no chance of escape: "The victim was caught in a net from which there was no escape, and his frantic struggles only twisted it more tightly around him."' (I, p. 450).

'Almost all the ordinary means of justification were forbidden to the accused,' says again M. Tanon. 'SS. Peter and Paul, if they had lived at that time and had been accused of heresy, would have found it impossible to defend themselves, and would have been infallibly condemned,' says Bernard Délicieux.[1]

[1] Tanon, *Histoire des tribunaux de l'Inquisition en France*, pp. 398-399.

If, instead of listening to this tirade on the part of Bernard Délicieux we examine, as Mgr. Douais and ourselves have done, the sentences of the Inquisition which have come down to us, we see how false it is to maintain with Lea and Tanon that in the presence of the inquisitors every accused person was a condemned person. Moreover, an inquisitor who has left a reputation for severity, Eymeric, foresaw cases of acquittal and laid down the procedure.

'If,' he says, 'the accused is not convicted by any legal means, he is dismissed, either by the inquisitor, or by the bishop, who can each act separately, for one cannot make an innocent person wait, but rather he should benefit without delay by the favourable decision of one or other of his two judges.

'If the accused has public opinion against him, but nevertheless it cannot be proved that he has deserved his reputation as a heretic, he has only to produce witnesses, *compurgatores*, who can testify as to his condition and his habitual residence, and who, having known him for a long time, judge that he is not a heretic. If their number corresponds to the minimum required, he is acquitted.'

Even when there were definite charges made, provided these were neither grave nor peremptory, the inquisitor contented himself with an abjuration which subjected the accused to canonical penances and not to ordinary punishment. Out of thirteen possible cases of trial, Eymeric mentions six in which the accused would be released or subjected to purely spiritual penalties.

From 1308 to 1323, Bernard Gui pronounced 930 sentences. Of this number, 139 were acquittals, and on nearly 300 were imposed only religious penances, similar to those given in confession.

The sentences were pronounced in a solemn and public assembly which was called the *sermo generalis*,

and in Spain, an *auto-da-fé* (act of faith). The notice of convocation was given by the inquisitor, and proclaimed in all the churches in the town. The ceremony itself took place either in a church or in the episcopal palace, or in a monastic establishment, or else in the town hall. Joan of Arc heard her first sentence of condemnation in a cemetery, that of Saint-Ouen de Rouen.

The Manual of Bernard Gui explains the ceremonial and order of proceedings of the *sermo generalis*. M. de Cauzons sums it up thus : ' Besides the bishop and clergy, the inquisitor summoned to the sermon the civil authorities, together with a certain number of relations, friends, and compatriots of the condemned persons, to serve as witnesses to their punishment or their repentance, and also to learn from their terrible example to avoid error themselves. Archers and soldiers, sent by the municipality or the seigneur, saw to the keeping of good order, protected the procession, and watched over the prisoners.

' All those who belonged to a confraternity claimed their privileges on this occasion. They marched in procession from the chapel of the confraternity to the place of the sermon. . . . There, on raised platforms, the clergy and civil authorities dominated the crowd ; they were arranged opposite to the benches or platform of the condemned.'

Such was the setting. Then took place the following ceremonies.

Usually, when the function took place in the morning, it commenced with the celebration of Mass ; then came the sermon from which the ceremony took its name. The inquisitor or a priest designated by him, preached on the faith and refuted heresy, especially that which was then in question. Then he promulgated indulgences in favour of those present, and an excommunication

against whomsoever should oppose the exercise of the Inquisition. Finally, the secular authorities took oaths promising to give their aid in the repression of heresy.

The heretics themselves were then dealt with. Those who had accomplished their penance, or had been remitted it, were given back their freedom. Those who had just been condemned to those same penances heard them announced, and were marked with signs on themselves and their clothing. Immediately afterwards, they made their abjuration. Then they read the sentences involving pains and penalties, of which the most terrible was deliverance to the secular arm, that is, death, inflicted by the civil authority after condemnation by the Inquisition.

Even when the Church was repressing heresy with the utmost rigour, it did not lose sight of the maxim that 'God does not wish the death of the sinner but rather his conversion.' Hence the judges of the Inquisition preferred to give canonical penances, followed by the reconciliation of the sinner, rather than pains and penalties, the result of obstinate revolt.

The reconciliation of the sinner called for the spontaneous confesssion of his fault and the formal promise not to commit it again, on the one hand, and on the other, it necessitated the imposition of a penance to expiate the fault committed. That is why the Holy Office set great store by spontaneous confessions followed by abjurations. In these cases the inquisitors acted as spiritual doctors, according to the expression of Guy Fulcodi who afterwards became Pope Clement IV. Those who avoided their ministry seemed to them to be afraid of the spiritual medicine which they brought with them; 'medicinam sibi apponi metuentes salutarem,' says Nicolas Eymeric.

Spontaneous confessions resulted in absolution, with penances varying according to the gravity of the case.

In the first place, these consisted of works of piety. Bernard Gui enumerates several of these in his Manual, such as the recitation of certain prayers, being present at parochial Mass on the Sundays and hearing the sermon, fasting during Advent as well as Lent, giving specified gifts to the churches, for instance, a candle, a chalice, an ornament, a sum of money, helping to build a chapel, an annual visit to certain churches at specified feasts, for instance the Church of Saint Etienne at Toulouse on August 3, the patronal feast day (Finding of S. Stephen), or the Church of Saint Sernin at Toulouse during the Octave of Easter, the Cathedral Church of Saint Nazaire at Carcassonne on July 28, the patronal festival, the Cathedral Church of Saint Cecily at Albi on November 22, and so on.

Pilgrimages constituted heavier penances, on account of the long voyages, absence, and expenses which they entailed. In the South of France, there was a distinction between greater and lesser pilgrimages.

The Greater Pilgrimages were outside France, for instance, to Rome, to S. James of Compostella in Galicia, to S. Thomas at Canterbury, or to the shrine of the Three Magi at Cologne.

The list of the Lesser Pilgrimages is interesting because it makes known to us the most venerated sanctuaries in the Middle Ages. In the South of France, these were Notre Dame de Rocamadour, Notre Dame de Puy, Notre Dame de Vauvert, Notre Dame de Serignan, Notre Dame des Tables at Montpellier, Saint Guilhem du Désert, Saint Gilles, Saint Pierre de Montmajour, Saint Marthe de Tarascon, Sainte Marie Madeleine de la Sainte-Baume, Saint-Antoine du Viennois, Saint Martial de Limoges, Saint Léonard en Limousin, Saint Seurin de Bordeaux, Notre Dame de Souillac, Sainte-Foi de Conques, Saint-Paul-Serge de Narbonne, Saint-Vincent de Castres, to which were added pilgrimages to sanctu-

aries which had become national ones, Notre Dame de Chartres, Notre Dame de Paris, Saint Denis.

The penitents had to set out for these pilgrimages within a period stated in their letters of absolution, which served as safe conducts for them. Upon their return, they were to hand to the inquisitors certificates from the place of their pilgrimage stating that they had fulfilled all the obligations of their pious voyage.

Sometimes to these works of piety were added certain practices of humility. For instance, some were required to present themselves in church, often before a large assembly, in a habit of penance, made of rough material, without a hat, in stockinged feet without shoes, holding a candle. Sometimes they were to be beaten with sticks which they themselves were to present, and having received this castigation from the officiating priest, they were to declare publicly that they had deserved it.

A still more grave humiliation, because more lasting, was that which imposed on the penitent heretic the duty of carrying on his clothing distinctive signs recalling his condemnation. These were usually crosses, varying in number. They were made very visible, standing out by their red or yellow colour on the dark cloth. Sometimes they were two in number, one in front and the other behind, or else both on the breast. In the case of 'Perfect' heretics who had been spared perpetual imprisonment, a third cross was added on the hat or on the veil. Other penitents had to wear clothing of special form or colour, such as a black mantle, a hood marked with a cross, and lastly, sometimes a hat in the form of a mitre. Joan of Arc wore one of these when on her way to the stake.

It is curious to note that these various penances described in the Acts of the Inquisition in the thirteenth century and the Manuals of the fourteenth, were employed

in combination by S. Dominic as delegate of Arnaud of Citeaux, legate of the Holy See. About 1208, he gave absolution to a heretic of Treville, near Castelnaudary, named Pons Roger. He imposed upon him the penance of flagellation, 'ut tribus dominicis aut festivis diebus ducatur a sacerdote, nudus in femoralibus, ab ingressu villae usque ad ecclesiam verberando'; perpetual abstinence, save on the feasts of Easter, Pentecost, and Christmas, when he was to eat meat in order to show that he was not a heretic: 'Ut a carnibus, ovis et caseis, seu omnibus que sementinam trahunt carnis originem, abstineat omni tempore, excepto die Paschae, die Pentecostes et die Natalis Domini, in quibus, ad abnegationem erroris pristini, precipimus ut eis vescatur.' In addition, he was to fast during three periods of forty days in the year, 'tres quadragesimas faciat in anno, piscibus abstinens, et jejunet'; also he was to observe the same abstinence and fast without wine three days each week; he was to carry two crosses sewn on his clothing, similar in form and colour to those of religious, 'religiosis vestibus induatur tum in forma, tum etiam in colore, quibus in directo utriusque papillae singulae cruces parvulae sint assutae'; he was to hear Mass every day, and Mass and Vespers on Sunday wherever he should be; he was to recite prayers corresponding to the night and day office, i.e. seven times a day, ten Paters, and at midnight twenty Paters. Every month Pons Roger was to show to his parish priest these letters of reconciliation and penance, and the parish priest was to see that he accomplished all these things.[1]

Thus the Councils of Toulouse and of Béziers, and the pontifical bulls regulating the penances of the Holy Office were in reality based on more ancient practices.

Still more severe punishments affected the possessions of the guilty person. Fines were imposed, at the same

[1] Balme, *Cartulaire de Saint Dominique*, I, pp. 187 *et seq.*

time care was taken not to make these mere extortions of money, but the sum was assigned to religious works or enterprises of public utility. The Inquisitors Guillaume Arnaud and Etienne de Saint-Thibéry imposed upon the penitent heretic Pons Grimoardi the upkeep of a poor man all the year round, and the payment of ten pounds.

We have seen above that, previous to the organisation of the Inquisition, several pontifical bulls and ordinances of kings and emperors had specified the confiscation of the possessions and properties of the heretics. This punishment was widely applied in the South; the goods of the heretics or *encours* were sequestrated by the royal authority, and sometimes given to the nobles of the North who had taken part in the Crusade. They were rarely given back to their original owners or their descendants. In this way the Albigensian Crusade led to the transfer to the nobles of the North of a great deal of land taken from the nobles of the South. But it was not only nobles, but persons of all conditions who were subject to the sentences of confiscation passed by the Inquisition.

Just after the Crusade, it had also been enacted that every house in which a heretic had been received should be destroyed. This practice was kept up by the Inquisition. The Counsel of Toulouse in 1229 decreed that every house in which a heretic had been found should be razed to the ground and confiscated.

This measure would have led to too much ruin if it had been strictly applied; and hence it was often mitigated. M. de Cauzons mentions cases in which houses thus confiscated were reclaimed several years later, a proof that they had not been demolished. By an ordinance on October 19, 1378, Charles V forbade the destruction of houses, in Dauphiné, except in very serious cases and with the consent of the governor.

At the same time, we often come across mention of heretical houses demolished, with a prohibition to rebuild them. 'Their site became an infected area.' Bernard Gui laid it down that this place should remain for ever uncultivated and unfenced, to serve as a dung-heap. We have a vivid commentary on this prescription in a petition of Aymon de Caumont to Clement VI on August 22, 1343. We learn from this that one of these condemned places, situated in the most beautiful part of Carcassonne, had, by reason of the infection of the filth which had accumulated there for years, become such a source of epidemics that the rich inhabitants of the neighbourhood were forced to depart from their houses. In order to counteract this permanent danger to the public health, it was desired to put round this spot, not indeed a stone wall, but a wooden fence. For this the consent of the Pope was necessary.

A heretic was *ipso facto* incapable of holding civil or ecclesiastical office, and this could apply also to his children and grandchildren. They were incapable of performing certain acts in civil life, or of fulfilling civil and religious functions. Those who had possessed such offices were deprived of them by revocation, deposition, and degradation.

These severe penalties had not been invented by the Inquisition; they already figured in the law passed against the Manichæans by the Emperors Arcadius and Honorius in 407, and in the Justinian Code. They had been revived by Popes Lucius III and Innocent III in the bulls which ordained the repression of heresy, and were inserted in the Decretals by Gregory IX.

While the Church, acting on her own authority, took away from clerics their benefices and religious offices and ecclesiastical privileges by publicly degrading them in the *sermones generales*, the State, in turn, applied to the heretics in their civil life all the consequences of the

punishments of incapacity. 'The lay heretic, deprived of the right to act as a witness, to act in any matter as a plaintiff, or to contract, or to acquire or transmit freely or for a return to any person whatsoever, was also deprived of his functions, dignities, and offices. If he were a judge, his sentences no longer had force; if he were a lawyer, he was no longer allowed to offer his services; if he were a notary, the instruments under his hand lost all value. . . . The subjects of a heretical lord were released from their oath of fidelity, and from all obligations in respect of him. Fathers lost their rights over their children, and husbands over their wives, although the marriage bond persisted.'[1]

A decree of S. Louis on October 14, 1258, expressly forbade the giving of charges and functions to the sons and grandsons of heretics and Believers, and Philippe le Bel recalled a notary of Avignon, and Raymond Vital, whose ancestor had been burnt as a relapsed heretic.

Imprisonment, for a period or for life, figures pretty often among the penalties inflicted by the tribunals of the Inquisition. In this connection we may mention the famous picture by Jean Paul Laurens entitled 'The Immured Prisoners of Carcassonne.' In this picture the victims of the Inquisition are represented as being literally walled up, and calling upon Heaven for deliverance. It gives the impression, either deliberately or otherwise, that these unfortunate persons were really walled up and cut off for ever from their fellow men, and condemned to die of hunger in their isolation. In reality, 'wall' simply means 'prison,' and 'to immure' is equivalent to 'to imprison.'

The imprisonment was more or less strict according to the various cases. In Languedoc there was a distinction between the 'mur large,' a comparatively mild form of imprisonment, with facilities for procuring certain

[1] De Cauzons, II, pp. 315–316.

comforts, and permission to walk about in the cloisters and gardens of the prison, and the 'mur étroit,' a strict regime, designated in the sentence by these words, 'the bread of sorrow and the water of affliction.' Sometimes the prisoner subjected to this regime was chained and shackled, and confined to a separate cell, although the number affected at first necessitated imprisonment in common rooms.[1]

Sometimes, but rarely, the inquisitors had their own prisons. Generally they made use of the feudal, municipal, royal, or episcopal prisons for the incarceration of the accused or condemned persons.

In the last place, the gravest of all sentences was the condemnation to death by the stake. Attempts have been made to take away the responsibility for this from the Inquisition by pointing out that the Church did not claim the right to pronounce capital sentences, and that it was the secular judge who in point of fact condemned to death those whom the Inquisition handed over to its arm, because it despaired of their conversion. Already in the thirteenth century a Catholic apologist argued thus: 'Our Pope neither kills, nor orders that others should kill; it is the law which kills those whom the Pope permits to be killed, and these persons really kill themselves by doing things for which they ought to be killed.' In our own time, it has been said that in a trial ending in the execution of the guilty person, the inquisitor acted only in the capacity of an expert determining the fact of the crime against which the civil power had already decreed death, and that in reality the responsibility for the death penalty belonged to the authority which had ordained it, that is, the civil power.

This kind of reasoning is too subtle. In point of fact, the Inquisition knew very well that in delivering over the heretic to the secular arm, it was sending him

[1] De Cauzons, II, p. 370.

to death by the stake. This is shown by the fact that the Inquisition knew of the civil ordinance which inflicted the death penalty, and secondly, because the Inquisition itself compelled the civil power to apply these ordinances. The civil power was not free to release heretics delivered over to it by the Holy Office. A judge or lord who did so would have given the impression of protecting heresy and of not seconding the Inquisition, and on these grounds he would have become a favourer of heresy, and a suspect, and therefore himself liable to be called upon to render account to the Holy Office. He was bound to pronounce and to cause to be executed against heretics the *animadversio debita*, and these two words signified death.

This was proclaimed successively by several Popes in the Decretals which formed part of the *Corpus Juris Canonici* of Gregory IX, and in the bulls mentioned in the Manuals of the Inquisitors. Thus Lucius III said in the Constitution of Verona in 1184: 'The heretic delivered over to the secular arm ought to be punished by the latter: 'debitam recepturus pro qualitate ultionem.' Innocent III echoed this in the Council of the Lateran in 1215: 'damnati vero principibus saecularibus, potestatibus aut eorum ballivis relinquantur, animaversione debita puniendi.' Innocent IV again said in his famous bull *Ad extirpanda*: 'When persons have been condemned for heresy, either by the bishop, or by his vicar, or by the inquisitors, and delivered to the secular arm, the podestat or rector of the city ought to take charge of them immediately, and in five days at latest, apply to them the laws passed against them.'

We must therefore not hesitate to admit what the texts clearly prove: The Inquisition itself shouldered the responsibility for the sentences which were pronounced by the civil power in consequence of its own judgement. We may, however, add that this burning at the stake which is so revolting to our feelings was not invented

by the Church but by the civil power; by the Roman emperors against the Manichæans, by Robert the Pious against the neo-Manichæans of Orleans, and lastly by the Emperor Frederick II, who, in his constitution of 1224, enacted that a heretic declared such by the judgement of the religious authority was to be burnt in the name of the civil authority: 'auctoritate nostra ignis judicio concremandus.'

We have seen above that the civil authority had at the most five days for passing and executing sentence of death against the heretics. In actual fact this period was sometimes extended, sometimes diminished. Joan of Arc was seized by the English soldiers immediately after the sentence of the ecclesiastical tribunal, and conducted immediately to the stake prepared beforehand, without being judged by the secular authority. In other cases, after the *sermo generalis*, the civil process took place ending in the death sentence, and the evening of the same day the burning took place. Sometimes again this was put off till an approaching festival, in order that this might be enlivened by this terrible spectacle.

The Church, in delivering the condemned persons to the secular arm, recommended them to its clemency, and the formula in which this was done has often been regarded merely as a piece of irony in very bad taste. But that is not the case; in speaking thus, the ecclesiastical judge had as his aim the preventing of those subsidiary tortures which preceded the putting to death, and constituted a cruel aggravation of the pain. The Church never allowed applications of red-hot iron, mutilation of members, breaking of bodies by the torture of the wheel, which were practised by secular justice right up to the eighteenth century, and which, at the execution of Damiens, aroused the unhealthy curiosity of the most refined and most 'sensitive' ladies!

Sometimes the Inquisition carried on posthumous

trials. In his *Bullaire de l'Inquisition française au XIV siècle*, M. Vidal tells us of one which took place between 1300 and 1319, in which the Inquisition of Carcassonne proceeded against an inhabitant of that town who had died in 1278. Castel Faure was a benefactor of the Franciscans, and he had been assisted at his last moments by six of these, and buried in their cemetery. Twenty-two years afterwards, the inquisitor Nicolas d'Abbeville learnt that this man who had left the reputation of a pious and charitable Christian, had received the Catharist Consolamentum on his deathbed, and by a notice which was read in all the Churches of Carcassonne, he called upon the relatives and friends of Castel to defend his memory in his own presence. The Franciscans were not the last to do so. An appeal to the Pope, drawn up with great care by a timid lawyer, and posted secretly on the door of the inquisitor, arrested the process, and shortly afterwards, Nicolas d'Abbeville was removed (1302). The pontificate of Clement V brought about a postponement.

But after the election of John XXII, who was more energetic in the repression of heresy, the Inquisitor Jean de Beaune took up the dossier of the matter left by his predecessor. A bull of John XXII dated March 15, 1319, published by M. Vidal, tells us that the inquisitor had condemned Castel Faure as a heretic and ordered his bones to be exhumed and burnt. Forty years after their sepulture, these bones could not be found, and the Franciscans were accused of mixing them with other remains in order to render impossible the execution of this posthumous condemnation, an accusation which might have brought these religious in turn before the Holy Office. But an inquiry ordered by John XXII decided that they were innocent. Castel Faure was therefore neither exhumed nor burnt after his death; but his goods were confiscated. His wife Rixende was

the subject of a similar process and condemnation in 1329; her body was exhumed and burnt.[1]

About the same time the Inquisitor of Carcassonne instituted a trial of the same kind in the case of the father of a Dominican of that town, Guillaume Peyre. The accused had been dead for forty years: he was condemned.[2]

On June 19, 1293, there was sent to Bertrand de Clermont, the Inquisitor of Carcassonne, a letter from Adam de Come, inquisitor of the Roman province, requesting him to examine on the spot a Dominican of Carcassonne, Pierre d'Aragon, accused of heresy. Pierre was interrogated by the inquisitor of Carcassonne, assisted by his colleague of Toulouse, and judged to be innocent. He died twenty years afterwards, without having been further troubled (1313). But seventeen years later still, about 1330, the inquisitor Henri Chamayou took up the case again, and condemned the dead man to confiscation of his goods. A house which had belonged to him and which was situated one league from the town, between Cazilhac and Cavanac, la Bastide, was given by Philippe VI to his notary, Jacques de Boulay. Now the son of Pierre d'Aragon, Isarn, was then a canon of Carcassonne, and provost of the Church of Capendu. By reason of the incapacity which affected the sons of heretics, he found himself incapable by reason of the posthumous condemnation of his father, of keeping his canonry and his provostship. John XXII showed himself to be a kind ruler; not content with replying favourably to his petition by allowing him to retain his benefices, and recognising him as able to obtain others with the exception of the episcopate, he also conferred upon him the priory of Trèbes, between Capendu and Carcassonne.[3]

[1] Vidal, pp. 44–47. [2] *Ibid.*, p. 140.
[3] *Ibid.*, p. 147–148.

The same inquisitor, Henri Chamayou, who seems to have exercised his zeal particularly against the dead, arranged in 1330 to begin the trial of 18 persons of Narbonne and Carcassonne dead long before. The depositions went back 40 and 46 years (1284–1290); the faults 47 and even 62 years. The process had been begun by the inquisitors Jean Galand and Guillaume de Saint-Seine and by the Bishop of Albi, Bernard de Castanet, and recommenced in 1309 by Geoffroy d'Ablis, and in 1320 by Jean de Beaune, and never brought to a finish. Henri Chamayou wanted to conclude it, and called upon the heirs of the dead persons to present their defence from September 17, 1330. A few days after the feast of S. Martin, the case was completed.

Out of 18 accused persons, it seemed proved that 15 had assisted at the initiation of other Believers, and worshipped the heretics, and that three had become heretics themselves on their death-beds. In this number were comprised five priests, three women, and a royal officer of the Château of Cabaret.

Their heirs, on learning of the intentions of the inquisitor, complained bitterly to the Pope, and told him of the harm which would result to them through these proceedings, which they considered unjust and abusive. John XXII wanted to get more information about the matter, and in a bull of December 18, 1330, he ordered the suspension of all processes against dead persons not convicted of heresy during their lifetime, and laid it down that no others should be taken up in the future without the permission of the Holy See. In addition, he required the handing over of the books containing the depositions and the rest of the process.[1]

These severities on the part of the inquisitors were certainly alarming, and it is easily understood that the enemies of the Church have made use of them to accuse

[1] Vidal, *op. cit.*, p. 158.

the tribunals of the Holy Office of cruelty. But the description which they give of them is incomplete, and to that extent unjust, for they confine themselves to the text of the penal law, without a careful study of the way in which this was applied, and they bring out into a tragic light the severe punishments administered, and are silent on the measures of relaxation and pardon. But an impartial historian, anxious above all to get at the truth, must continually confront the letter of the law with its application.

A first question which must be asked is in what proportion the various punishments we have enumerated were inflicted. In order to estimate this, Mgr. Douais has drawn up a list, article by article, of the condemnations pronounced during his period of office from 1308 to 1323 by one of the best known inquisitors, the one who wrote the most practical Manual for his colleagues and successors, Bernard Gui. In the course of 18 *sermones generales*, he pronounced 930 sentences in 15 years. These consisted of the following: 139 acquittals followed by release pure and simple; 132 impositions of the cross; 9 pilgrimages to the Holy Land; 143 to military service in the Holy Land; 307 effective imprisonments; 17 nominal imprisonments decreed in the case of dead persons; 42 handed over to the secular arm; 3 similar decrees against dead persons; 69 exhumations; 40 sentenced because of contumacy; 2 degradations; 2 sentenced to the pillory; 1 exiled; 22 destructions of houses; 1 Jewish Talmud burnt. It is to be noted that several of these penalties might have been applied to one and the same person.

We notice at once the comparative rarity of condemnations to death by the secular arm; 42 in 15 years, or less than three each year, at a time when the Inquisition was particularly active, and 42 out of 960 cases, or between 4 per cent and 5 per cent. On the other hand,

acquittals, which some historians have denied, are frequent: 139 out of 960 cases, or one in six, that is about 18 per cent. Canonical penances (275) were hardly less numerous than imprisonments and afflictive penalties (327).

We also notice that sometimes the Inquisition condemned crimes against common law, either because they had been committed on the occasion of heresy, or else because their enormity gave them the appearance of sacrilege. 'In 1324, at Pamiers, Pierre d'en Hugol, Pierre Peyre and later on Guillaume Gautier were condemned to imprisonment for false witness: They had taken part in a conspiracy started by Pierre de Gaillac, a notary of Tarascon, against his colleague Guillaume Tron. Pierre was jealous because Guillaume had attracted all his clients, and resolved to charge him with the crime of heresy; Pierre d'en Hugol and Peyre had come forward as false witnesses.'[1]

Guillaume Agasse, head of the leper hospital of Lestang, was condemned for having poisoned springs and wells; Arnaud de Verniolle of Pamiers and Arnaud de Berdeilhac for having committed unnatural crimes (*ibid.*, pp. 127–128). On June 26, 1398, the Avignon Pope, Benedict XIII, ordered the inquisitor and the official of Besançon to prosecute certain inhabitants of the parish of Morteau who, although punished by ecclesiastical censures, refused to amend their ways and continued to commit adultery, incest, and rape.[2]

Severe in the wording of the sentence, the punishments of the Inquisition were often moderated in practice. Prisoners, even those confined for life, often had their imprisonment mitigated. They sometimes were given holidays which they passed in their homes, on promising to return at the first call. At Carcassonne, on September

[1] Vidal, *Le tribunal de l'Inquisition de Pamiers*, pp. 55–56.
[2] Vidal, p. 469.

13, 1250, the Bishop gave to Alzais Sicre, imprisoned for heresy, a holiday until All Saints, with permission to go wheresoever she willed, in all freedom: 'quod possit esse extra carcerem ubicumque voluerit.'[1]

A permit of the same kind was given for five weeks to Guillaume Sabatier of Capendu on the occasion of Pentecost. Raymond Volguier of Villar-en-Val, who had a holiday expiring on May 20, 1251, got it extended until the 27th. Pagane, widow of Pons Arnaud of Preixan, was similarly on leave from January 15, 1251, to April 15, 1251.

Leave on account of illness was frequent. The Inquisition put in temporary liberty the prisoners whose attentions were useful to their parents or their children. This had been decided in 1244 by the Archbishop of Narbonne and his suffragans of Elne, Maguelonne, Lodève, Agde, Nîmes, Béziers, the Bishop of Albi, and the Abbots of Saint-Gilles, Saint-Aphrodise of Béziers, and of Saint Benoit of Agde.

Even the most severe inquisitors, such as Bernard de Caux, granted these permissions. In 1246, after condemning to perpetual imprisonment a relapsed heretic, Bernard Sabatier, he allowed him to remain with his father who was old and ill, in order to take care of him until his death, because the latter was a good Catholic.

Sick prisoners often obtained permission to go to be nursed at their own homes. On April 16, 1250, Bernard Raymond Clerc, of Conques, left his prison at Carcassonne, 'propter infirmitatem.' On August 9 following, the same permission was given to Bernard Mourgues. of Villar-en-Razès, on condition that he returned to prison eight days after his cure. On August 17 following, Raine, wife of Adalbert de Couffoulens, was authorised to live outside her prison, 'quosque convalu-

[1] Douais, *Documents sur l'Inquisition*, II, p. 132, No. 29.

erit de egretudine sua.' The same permission was given on August 5, 1253, to P. Bonnafous de Canecaude ; on August 17, to Guillelme Gafière of Villemoustaussou ; on September 2, to P.-G. de Caillavel, of Montréal ; on November 15, 1256, to Guillaume, cleric of Labastide ; and on September 9, to Ber. Guilabert. On November 18 a certain Rixende, wife of Guillem Hualguier, obtained leave because she was confined, and was to return only one month after birth should take place.

The repetition of these cases at such short intervals, and sometimes on the same day, proves that we are in presence not of exceptional facts, but of frequent practices in the thirteenth century.

In 1317, the Franciscan Bernard Délicieux was put at the head of the Spiritual movement at Narbonne and Béziers. He was very soon accused of the crime of using magical charms against Pope Benedict XI, of conspiracy against the King of France in order to deliver Carcassonne, Albi, and Cordes to the King of Majorca, and lastly, of obstructing the free exercise of the Inquisition. He was judged by a solemn court comprising the Inquisitor Jean de Beaune, Jacques Fournier, Bishop of Pamiers (he became Pope in 1332 under the name of Benedict XII), and Raymond de Mostuejouls, Bishop of Saint-Papoul, the Seneschal of Carcassonne, and three royal officials, Méchin Bishop of Troyes, and Jean, Count of Forez. He was found guilty of conspiracy and obstructing the Inquisition, and condemned to perpetual imprisonment on bread and water (murus strictus) and degraded.

The royal procurators considered the punishment insufficient, and appealed to the Pope ; the inquisitor, on the other hand, mitigated it, for, in view of the age and infirmities of Bernard Délicieux, he dispensed him from chains and from fasting.[1]

[1] Vidal, *Bullaire de l'Inquisition française*, p. 50.

In his *Practica*, Bernard Gui mentions other cases of this kind: Thus a husband, whose imprisonment had reduced his wife and children to beggary, was set free temporarily; the same favour was granted to a father whose daughters could not marry in his absence (*Practica*, ed. Douais, 54).

The Inquisitor Bernard Gui, and after him Eymeric, in their Manuals, proclaimed the right of the inquisitor to diminish, attenuate, commute, and even remit entirely the punishments of the condemned (*Practica*, 103). The Acts of the Inquisition present several cases of this. Already in the middle of the thirteenth century, imprisonment, the carrying of the cross, and other signs of infamy, and lengthy pilgrimages were commuted into fines on behalf of the Crusade. Thus a certain Mathieu Ricard was dispensed from wearing the cross on condition that he paid a sum for the construction of the building of the bridge of Tonneins. Of commutations of imprisonment into the wearing of the cross or into pilgrimages, we find two at a *sermo generalis* of 1307, one at a *sermo* of 1310; three in 1312; 56 in 1319, and eight at a *sermo generalis* at Pamiers, all these being in the district of the Toulouse Inquisition. In other cases, the wearing of signs of infamy was changed into visits to churches or pilgrimages: 4 in 1300; 3 in 1310; 12 in 1312; 21 in 1319; in the Toulouse Inquisition alone, 13 in 1322 at Pamiers (De Cauzons, II, p. 405). On September 3, 1252, P. Brice of Montréal obtained from the Inquisition at Carcassonne the commutation of his imprisonment into a pilgrimage to the Holy Land. On June 27, 1256, on the other hand, this distant pilgrimage was replaced by a fine, the condemned person finding it difficult to travel on account of his age, *propter senectutem*. On October 5, 1251, a large number of people from Preixan, Couffoulens, Cavanac, Cornèze, Leuc and Villefloure, round about Carcassonne, were

allowed to make pilgrimages instead of openly wearing crosses.

In spite of his anti-clerical bias, Lea (*op. cit.*, p. 495) openly admits that 'this power to mitigate sentences was frequently exercised'; and he himself mentions a certain number of cases. 'In 1328,' he says, 'in a single sentence, 23 persons were released from the prison of Carcassonne, their penance being commuted to crosses, pilgrimages, and other observances.' In 1329, another sentence of commutation, made at Carcassonne, restored 10 penitents to freedom, among them being the Baroness of Montréal. After mentioning other cases taken from the sentences of Bernard Gui, Lea makes the remark that 'this mercy was not peculiar to the Inquisition of Toulouse' (p. 496).

The Popes encouraged the inquisitors to adopt this method, even when they urged them to be zealous against heresy. Innocent IV, who authorised the use of torture, allowed the inquisitors of the Dominican province of Provence on January 20, 1245, to commute, with the consent of the bishops, penances given to the heretics. On December 9, 1247, he gave to the Archbishop of Auch the faculty to commute the wearing of the cross or imprisonment into pilgrimages to the Holy Land. Writing from Lyons on March 2, 1248, he authorised the Bishop of Albi to grant the same favour to imprisoned heretics, *muro clausi*, in the lands of Philippe de Montfort and his father. A certain number of inhabitants of Limoux, condemned for heresy, begged the indulgence of Pope Innocent IV, and the latter ordered the judges to commute their punishments. This was done by the inquisitors, who had to be called to order for exceeding the instructions given them (1249). The Registers of Alexander IV and Clement IV contain many other acts of commutation and moderation of punishments in favour of condemned heretics.

The Bullarium of the Inquisition in France of M. Vidal gives us other commutations emanating from the Avignon Popes. Barthélémy Brugère, a religious of the order of S. Francis, had, like many of his confrères, adhered to the sect of the Fraticelli, and joined in the schism of the anti-pope Pierre de Corbière. He was denounced by two Friars Preachers, and prosecuted by the inquisitor of Carcassonne, Henri Chamayou. Judgement was passed 'in aula domus inquisitionis' in presence of 22 *boni viri*, and the friar was condemned to imprisonment for life. But seeing that he accepted his punishment with humility and contrition, the inquisitor commuted his imprisonment into canonical penances, imposing on him the obligation of saying each week for three years, two Masses, one in honour of the Holy Ghost, the other in honour of the Blessed Virgin. Soon afterwards, Brugère sent to Pope Benedict XII a petition asking for his restoration to the Franciscan Order, and the Pope not only granted this to him in a bull of April 11, 1335, but also gave him grounds for hoping that if he faithfully carried out his canonical penance for two years, this would be then remitted (p. 220).

The case just mentioned shows us that the punishments of the Inquisition could not only be moderated, but completely remitted. This was sometimes the reward of a good action on the part of the condemned. Bernard Gui himself tells us that he remitted the confiscation of goods, the wearing of the cross, and imprisonment, in the case of a man and his wife who had brought about the arrest of three other heretics, again in the case of a condemned person who had exposed a plot against the inquisitor, and lastly, in the case of a prisoner who by shouting out in the night had prevented an escape.[1]

[1] Douais, *L'Inquisition*, p. 229.

The Manuals of the Inquisitors had formulæ for the remission of penalties, which seems to indicate that this often took place. Here is one taken from the *Practica* of Bernard Gui: 'By special favour we absolve and amnesty such a person of such a country, from all pilgrimages, visits to churches imposed as penances for the crime of heresy, and from all the specified punishments in the letter of penance, and in particular from that which rendered him incapable of public offices, and his present and future property is to return to his heirs' (*Practica*, p. 56). Another formula only refers to the restoration to public offices, permitting the descendants of condemned heretics 'uti officio consulatus, si ad illud electus fuerit vel vocatus, et tenere bajulias et administrationes alias et quaecumque officia publica exercere.'

The Popes often remitted the penalties applied by the Inquisition. On June 24, 1245, for instance, Innocent IV ordered the inquisitors Guillaume Durand and Pierre Raymond to absolve Guillaume Fort, a burgher of Pamiers, and on August 5, 1249, he ordered the Bishop of Albi to receive back into the communion of the Church Jean Fenassa of Albi and Arsinde his wife, who had been condemned by the Inquisitor Ferrier. On December 24, 1248, he ordered the liberation of heretics whose punishment he considered sufficient. On May 25, 1248, he ordered the Bishop of Lerida to proclaim an amnesty for all heretics who wished to return to the bosom of the Church, provided they made a public abjuration and gave sufficient guarantees for 'fidelity in the future.'[1]

In a passage in his book headed *Papal Interference* (II, p. 242), Lea also mentions a decision by which in February 1286, Honorius IV relieved the inhabitants of Tuscany, 'individually and universally, from the

[1] Elie Berger, *Les Registres d'Innocent IV*, no. 3904.

penalties for heresy, including all disabilities decreed by his predecessors and by Frederick II.' 'For a while,' Lea adds, 'this extraordinary privilege seems to have been observed.'

The one punishment of the Inquisition which seems most unjust is that which punished the children and grandchildren for the faults of their father or grandfather by making them incapable of holding ecclesiastical or civil offices, and making them dead to civil life. We must mention in this connection that many such punishments were cancelled by dispensations on the part of the inquisitors and the popes. Here are a few examples of these rehabilitations. On April 25, 1326, John XXII declared the Dominican Guillaume Garric capable of teaching, preaching, confessing, and being elected to all offices like the other religious of his order, although his grandfather and grandmother had been condemned in a posthumous trial.[1] A similar dispensation was granted on July 31, 1329, for the same reason, to a Dominican of Carcassonne, Guillaume Peyre.[2] On December 19, 1330, two brothers and their cousin, all three religious, being Trinitarians at Limoux, and belonging to the family Embry of that town, which had included in the preceding century zealous heretics afterwards condemned by the Inquisition, were likewise rehabilitated. Similar papal dispensations were granted rendering laymen who were descended from heretics capable of all charges and public offices; one of these was granted on June 25, 1352, through the intermediacy of the Archbishop of Narbonne to Raymond de Tournissan.

In this connection there was one case of the kind sufficiently well known to dispense us from mentioning others. That is the case of the great lawyer Guillaume de Nogaret. He was the grandson of a Catharist of

[1] Vidal, *Bullaire de l'Inquisition de France*, p. 115.
[2] *Ibidem*, 140.

the environs of Toulouse, but this did not prevent him from being professor of law at the University of Montpellier, the chief judge of the seneschalry of Beaucaire, a member of the King's Court, or from functioning as Chancellor, and being the bosom friend of Philippe le Bel in the affair of Anagni and the matter of the Templars, or from possessing in Bas Languedoc important lordships which came to him through the favour of the king, such as Calvisson, Tancarlet, and Marsillargues.

CHAPTER IV

THE INQUISITION IN FRANCE AND IN THE REST OF CHRISTENDOM IN THE THIRTEENTH CENTURY: CATHARI AND WALDENSES

THE organisation which we have just described was not peculiar to the Inquisition in the South of France; it was common to all the inquisitorial tribunals which in the course of the thirteenth century were established in the majority of the nations of Christendom.

The Catharist and Waldensian heresies were not confined to the states of the Count of Toulouse, or more especially to the Albigensian country from which they derived their name. The measures taken against them by Robert the Pious and Philippe Auguste in Northern France, by Henry II in England, Frederick Barbarossa in Germany, and by Popes Alexander III, Lucius III, and Innocent III in the whole of Christendom, show us quite well that from the twelfth century and even earlier, neo-Manichæism and the other heresies which were more or less related to it were spread not only throughout the West but also in the whole Christian world.

It is therefore natural that the Church and the civil power, in order to repress these everywhere, should have instituted, in the majority of countries, inquisitorial tribunals resembling those which we have just described in their organisation and procedure.

Between 1108 and 1125, a certain Tanchelm propagated neo-Manichæism in Zeeland, Antwerp, and Flanders, and his preaching was accompanied by a political and

social activity. 'He had carried before him a banner and a sword, symbols of the temporal power, and in order to prove that this was conferred upon him by God, he raised an army of 3000 men, who supported his reasoning by force. Marching at their head, clothed in a royal robe, and with a crown on his head, he took Bruges by force, and made himself master of Antwerp. After declaring that the Churches ought to be regarded as brothels, 'ecclesias Die lupanaria esse reputandas,' he caused his followers to profane them. He prevented the collection of tithes by force, and had anyone who resisted him put to death: 'resistentes sibi caedibus saeviebat,' says the chronicler Sigebert of Gembloux.[1]

From the chroniclers of the end of the twelfth century we gather that Central France, during the reign of Philippe Auguste, was subject to fire and bloodshed by heretics called Cataphryges, Arriens, and Patarins, who resembled the Cathari and Albigenses of the South. They sacked and burnt the churches, cruelly maltreated priests, and committed sacrileges, treading under foot sacred objects and the Sacred Host. In response to an appeal from the inhabitants of Berry and Limousin, Philippe Auguste sent an expedition against them which at Dun exterminated more than 7000 of them.

The chronicle of Saint-Marien of Auxerre mentions in 1200 the great progress of the neo-Manichæan heresy in the province of Sens, 'haeresis populicana.' This heresy it declares to be the most stinking of all, 'omnium haereseon fetulentissima.' The abbot of Saint-Martin and the Dean of the Cathedral of Nevers, who had adopted it, were deposed by the Council of Sens. The Cardinal Peter of Saint Marcellus was sent into this country in order to combat it; he called a Council at Paris, before which he summoned the Chevalier Evrard, who ruled over the county of Nevers, just as

[1] *Monumenta Germaniae historica*, VI, p. 449.

in the South the heretical lord of Saissac administered the land of his ward the Count of Carcassonne and Béziers. Evrard was found guilty by the legate, delivered up to the secular arm, and burnt at Nevers. At Paris, the Place des Champeaux, near the Louvre, was about 1209 reserved for the burning of heretics.

This prosecution of heresy, and these cases ending in condemnations and even executions, conducted by a papal legate, show that the Inquisition already functioned in the North of France, even before it had taken its definitive form in the South.

This had taken place about the year 1232. In that year, Gregory IX nominated the Prior of the Dominicans of Besançon, Gautier and his companion Robert, inquisitors for the county of Burgundy (Franche-Comté). In the following year, that is on April 13, 1233, he charged the Preachers to prosecute heresy in the whole Kingdom of France, 'because the bishops have no time, on account of their manifold cares and occupations.' Lastly, on August 21, 1235, he nominated as inquisitor-general 'per universum regnum Franciae' Friar Robert, surnamed 'le Bougre' because, before entering the Order of St. Dominic, he had been one of those Catharist heretics called *Bulgari* in Latin, and *Bougres* in the vulgar tongue.[1]

St. Louis gave the most absolute support to the Inquisition. In his *Chronique rimée*, Philippe Mousket affirms that the inquisitor Robert le Bougre acted in the name of the Pope (l'apostole) and of the spiritual power (estole), as in the name of the King.

> 'Par le commant de l'apostole,
> Qui li enjoint par estole,
> Et par la volonté dou roi
> De France ki l'en fist octroi.'[2]

[1] Frédéricq, *Robert le Bougre, premier inquisiteur général de France*, p. 13.
[2] Dom Bouquet, *Recueil des historiens de France*, XXII, p. 55.

The writer of the work known as the *Etablissements de Saint Louis*, makes a similar statement: 'When the (ecclesiastical) judge has examined (the accused) if he finds that he is a bougre (heretic), he ought to send him to the lay justice, and the lay judge ought to have him burnt (brûler).' This is repeated by another important juridical text, the *Coutumes du Beauvaisis* by Beaumanoir: 'In such a case, lay justice ought to assist the Holy Church, for when anyone is condemned as a bougre by extermination from Holy Church, the Holy Church must abandon him to the lay judge, and the lay judge must burn him because the spiritual judge must not put anyone to death.'

At the end of the twelfth century, and during the Albigensian Crusade, the sovereigns of Aragon had been, if not the followers, at least protectors of the heresy in the South of France. They were related to the seigneurs of Foix, Carcassonne and Béziers, and to the counts of Toulouse, who, as we have shown already, were in constant relations with the Cathari, and when Simon de Montfort marched against them, King Peter of Aragon came to their assistance, and even died fighting against the Crusaders at the Battle of Muret (1213).

Is this the reason why, forgetting the edicts promulgated against them in 1198 by this same King Peter of Aragon, the heretics of Languedoc after their defeat sought a refuge on the other side of the Pyrenees? About 1226, the Aragonian Bishops, and King Jayme, were alarmed at their numbers. In order to stop this invasion by the heresy, the King enforced the edicts of 1198 against 'the heretics, their hosts, favourers, and defenders.' A few years later, he established the Inquisition in his kingdom.

On the advice of his confessor, the Dominican Raymond of Pennafort, he asked Gregory IX to send him inquisitors, and by a bull on May 16, 1232, the Pope

charged the Archbishop of Tarragona to institute, with the aid of the Friars Preachers, a general Inquisition in Aragon and Catalonia. In the following year, Jayme promulgated a code of repression against heresy corresponding to that which the Cardinal Romano de Sant' Angelo had promulgated at Toulouse after the Treaty of Paris. Finally in 1235, Gregory IX sent to the king a treatise on inquisitorial procedure drawn up by Raymond of Pennafort, who had become Penitentiary and Canonist of the Holy See. From then onwards the Inquisition was established in Aragon under the charge of the Dominicans and Franciscans, and its activity extended over all Navarre.

About the same time, King Ferdinand of Castille, cousin of St. Louis, organised the Inquisition in his own states. The *Fuero real* promulgated by his successor Alphonso X, or the Wise, in 1255, and the *Siete partidas* in 1265, reproduced the prescriptions of Gregory IX against heresy which Pope Boniface VIII was later on to include in his canonical collection, the *Sextum*.

Already in the eleventh century Lombardy had been an active centre of heresy. About 1040, a certain Girard preached to the inhabitants of Monteforte, near Milan, doctrines which resembled Manichæism by absolutely condemning marriage and family life. The Archbishop of Milan, Heribert, waged a victorious war against the people of Monteforte, and took Girard and many of his followers prisoners. He would have wished to save their lives in order to persuade them to be converted, but the populace did not want this. A stake was erected opposite a cross, and the heretics were given the choice between death by burning and abjuration before the cross. As they were not willing to abjure their heresy, they were all burnt in spite of the Archbishop.

But the fire did not extinguish the heresy. In the twelfth century it had made considerable progress.

Under the name of Patarini, the neo-Manichæans were very numerous in the whole of Northern Italy. About the same time, the political and theological preaching of Arnold of Brescia led to a revolution in Rome and troubles in a great part of Italy. 'The clerics who possess property, bishops who have banquets, and monks who possess goods will not be saved. All these goods belong to the prince, and the prince may only dispose of them in favour of the laity.' By speaking thus, Arnold invited princes to take over ecclesiastical possessions, and the subjects of ecclesiastical rulers to revolt, beginning with the subjects of the Pope. At Brescia itself the bishop was despoiled of his possessions and turned out by the Arnoldists, and in 1146, the Roman populace, rising up to the call of Arnold, expelled Eugenius III and proclaimed a republic under the German Emperor.

Attracted by the political teaching of this agitator, the Ghibelline party in most of the Italian towns, being anti-Papal and Imperialist, favoured the Patarini and Cathari, just as the nobles did in Languedoc, and as the heresy went on growing, it soon became a serious social menace. Etienne de Bourbon, a thirteenth-century writer, declares that in his time there were at Milan at least seventeen heretical sects. About the middle of the thirteenth century, one of the defenders of Catholic orthodoxy gives a list of the different Catharist churches in the Marches and in Lombardy.

In his anti-Catholic *History of the Inquisition*, Lea himself points out that the Catharist and Ghibelline forces combined let loose civil and social strife in many countries. In 1204, they roused Piacenza against the Bishop, who was exiled together with his clergy. The latter took refuge in Cremona, but the hatred of the sectaries followed them even there, and roused the Patarini who expelled the Bishop of Cremona and many of his followers, as well as the refugees from Piacenza,

It was not until 1207 that the Catholics of Piacenza were able to return to their city and re-establish their worship.

The heretics were so powerful that some pessimists announced that the Church would end by perishing under their attacks. In his commentary on the Apocalypse, Joachim of Flora saw in the heretics the locusts armed with the poison of scorpions rising up from the abyss at the sound of the fifth trumpet. He thought it useless to resist them, especially after they had entered into negotiations with the Saracens in 1195.

The power and fanaticism of these Italian heretics were again reinforced when the Albigenses, after being conquered in their own country by the Crusade of Simon de Montfort, came *en masse* into Northern Italy to take refuge, while all the time keeping up secret relations with those of their brethren who had remained in their own land. A permanent conspiracy against the Church united the heretics of Italy to those of the South of France.

There is nothing more suggestive in this connection than the replies made to the inquisitors about 1277 by one of their prisoners, Pierre de Beauville, of Avignonet. Immediately after the murder of the inquisitors of Toulouse who were killed at Avignonet by Catharist heretics, with the probable collusion of Raymond VII, Count of Toulouse, Pierre de Beauville, knowing that he was a suspect, took refuge in Lombardy, under the advice of a servant of the Count of Toulouse. He went to Cuneo, where he remained for seven years. He frequented a currier's workshop openly conducted by a refugee from Toulouse, named Arnaud Poirier, of Burgueto-Novo, and his wife Beatrice, both of them Believers. He there met other refugees, Raymond de Baux, who had come from Toulouse, and Raymond Imbert of Moissac. In the town he found a draper from Toulouse, Arnaud de Frezonis, Barthélemy Boyer,

from the Rue des Avocats at Toulouse, and many other heretics from the Lauraguais and the Carcassès.

After this stay of seven years at Cuneo, he went on to Piacenza, where he dwelt five years with refugees from Saint-Paul Cadajous, and then to Cremona, where dwelt the Bishop of the heretics of Toulouse, and refugees from Lanta, Goderville, Dreuille, Issel, Fanjeaux, Saint-Martin-la-Lande, and Toulouse. He then went to Pavia, where he stayed fourteen years, meeting there also many refugees from the South of France, among them being a heretical deacon from Catalonia, Philippe. After a stay at Alexandria, San-Quirico, near Genoa, and other places, he seems to have experienced a home-sickness for his native land which he had left forty years previously, and accordingly returned to Avignon. There, however, he was taken by the Inquisition. In the course of the interrogation in which he narrated his life history, he gave the names of at least a hundred heretics of Languedoc who had taken refuge in Italy, with whom he had been in personal relations.[1] This movement of imigration continued during the whole of the thirteenth century, for the Doat collection gives us accounts of travels similar to that we have just summarised, dating between 1270 and 1277.

It is easy to understand the strong way in which the Church organised the Inquisition in those regions in which heresy, usually with the support of the public authorities, openly practised its worship, and even launched violent attacks against the Catholics. Between the Church and the heretics it was war to the death. Already in 1224 Pope Honorius III entrusted the Bishops of Brescia, Modena, and Rimini with the task of organising the repression of heresy. In 1228, Geoffrey, Cardinal of S. Mark and legate of the Holy See in Lombardy, made obligatory the laws which ordained the putting to death

[1] Bibliothèque nationale, fonds Doat XXV, f. 297 *et seq.*

by the civil power of heretics delivered over to it by the ecclesiastical tribunal. In Italy, as elsewhere, Gregory IX entrusted the direction of the Inquisition to the Preachers and the Friars Minor. In 1232 he nominated Alberic as inquisitor of Lombardy ; in 1233, Peter of Verona was nominated inquisitor of Milan, and Aldobrandino Cavalcante and Ruggiero Calcagni were appointed inquisitors of Florence, the former in 1231, and the latter in 1244. All three were Dominicans.

These inquisitors were given extensive powers. Besides those which they received from the Pope, as did their colleagues in other countries, they were supported by the very severe legislation enacted against the heretics by Frederick II. In 1231 and 1232 there was passed an Imperial law which applied both to Italy and Germany the measures taken at Toulouse in 1229 by the Cardinal of Sant' Angelo. An edict published at Amalfi declared heresy to be a crime of lèse-majesté, which involved the penalty of death. Lastly, the Ordinance of Ravenna extended the edict of Amalfi to the whole Empire.

Many of the Italian principalities and municipal republics also passed laws against heresy, and saw to the execution of those of the Holy See and the Empire. This was done at Rome in 1231 by the Senator Annibaldi, Governor of the Commune under the authority of the Pope.

This severe Inquisition was itself combated with extreme violence by the heresy, which was powerfully organised, and disposed, as we have seen, of considerable forces among the popular masses and the rich Ghibelline bourgeoisie, as well as the favour of numerous nobles. One of the most redoubted tyrants of Italy, Ezzelino da Romano, who died in 1259, is presented by the chroniclers of his time as a bitter enemy of the Church and a protector of the Cathari: 'inimicus ecclesiae, haereticorum refugium;

a fide catholica penitus alienus, ob hoc sicut perfidus haereticus ab ecclesia damnatus.' This man possessed Verona, Padua, Vicenza, Treviso, Feltri, Trent, and Brescia.

The position of the inquisitors was often critical, and the Preachers sometimes paid very dearly for the mission which they had given them of combating the heresy. One of them, Peter of Verona, was assassinated, as were also, about the same time, the inquisitors of Avignonet, in the country of the Count of Toulouse. Peter of Verona was soon canonised, and the Church honours him under the title of S. Peter Martyr.

In 1279, the Inquisition had carried out several executions at Parma. The wife of the innkeeper, Ubertino Bianco, named Tedesca, had been burnt, at the same time as a noble lady whose servant she had been, Oliva de Fredulfi. The populace (popolani), who were doubtless attached to the innkeeper, invaded the Dominican convent where the inquisitor dwelt, sacked it, put to death an old friar, Jacopo Ferrari, and ill-treated many others. The Preachers had to leave the town, and the Pope placed it under an interdict. They did not return until eight years later (1287), and then only after long negotiations.[1]

In order to counterbalance the heretical power which was able to provoke such storms, the Inquisition organised political and religious societies pledged to the armed defence of orthodoxy. At Piacenza, between 1260 and 1270, one of these societies, that of the Holy Ghost, had as its centre the house of the Inquisition, an evident proof of the close relations between them. In this same town and its surroundings there sprang up the Company of the Cross, to oppose the Ghibelline party, and its head, Uberto Pelavicino, an upholder of heresy. About 1240, the Dominicans of Bologna

[1] Muratori, *Rerum italicarum scriptores*, IX, 9, p. 35 (Chronicon Parmense.)

founded in that town the Society of S. Mary and of S. Dominic against the Patarini and the Sodomites. At Milan the inquisitor Peter of Verona had created the Society of the Defenders of the Faith highly praised by Gregory IX in 1234. The same Pope similarly praised the Brothers of the Militia of Jesus Christ at Parma, and, as he did so in a letter addressed to Jourdain de Saxe, general of the Dominicans, we may suppose that the Dominican inquisitors were no strangers either to the formation or to the conduct of this society. In 1261, an alliance was made between several nobles of Bologna, Parma and Reggio, under the initiative of Lotteringo of Andalò, a member of a family wholly devoted to the Dominicans for forty years.

With such support the inquisitors were enabled to carry on their difficult work. In 1273 they even attacked one of the citadels of the heresy, Sermione, near Verona. In this place there dwelt a Catharist bishop, Laurence, surrounded by a great number of refugees from Burgundy, France, and Piedmont. The inquisitor, Friar Tinnidio, Bishop of Verona, with the support of the podestat of the town, Andaló degli Andaló, had a heretic of Sermione arrested. The latter however escaped, and the event led to a great disturbance in the country. The inquisitor organised a military expedition against Sermione, led by Albert della Scala, head of the illustrious Veronese family of Scaliger. The inquisitor took part in this in person, together with his assistant, Fra Filippo Bonaccorsi. The war ended in the defeat of the heretics. Two hundred of them were burnt on February 13, 1278, in the Arena of Verona. This was one of the cruellest executions in the history of the Italian Inquisition.

It is probable that other armed interventions against the heretical centre of Sermione had to take place subsequently, for on June 27, 1289, that is, eleven years

later on, Pope Nicholas IV congratulated the Scaliger on the conquest of Sermione.[1]

The heretics were powerful, even in the States of the Church, and the Inquisition had to prosecute them there also. At Orvieto, for instance, they had Tosti at their head. In 1249 the inquisitor Roger condemned as heretics Christopher and Bartholomew de Ranuccio, members of that family. Twenty years later, their descendants were the subject of a similar condemnation; their houses, and the towers which defended them, were razed to the ground as a result of a series of sentences passed on May 14, 20, and 30, July 20 and 26, August 13, and lastly, January 22, 1269, by the Dominican inquisitors, against Ranuccio, Christopher, Ranier de Stradigittostesso, Ranier di Bartolomeo, and several of their cousins, one of them being a woman, Donna Tafura de Tosti.[2]

The inquisitors kept a careful watch on the comings and goings of the refugees, announced to them by the countries from which they came. About 1264, a certain Raymond Baussan, originally of Laurac, near Castelnaudary, went from Piacenza, where he had emigrated, to les Pouilles, 'in quadam bastida que vocatur Lagarda-Lombart.' He there saw the bishop of the Toulouse heretics, who invited him to dinner, and stayed with two Cathari, whom he 'adored,' Pons Boyer de Saint-Rome of the diocese of Toulouse, and Raymonde of Andorra. He also met there other refugees from the country round Toulouse, in particular Guiraud Unaud and Matthew of Cerveria. But the King Manfred expelled them, at the request of the inquisitors of Toulouse, and the King of Aragon, who had denounced their heresy and their presence.[3]

[1] Cipolla, *Nuove notizie sugli eretici Veronesi* (1273–1310), p. 9.

[2] The text of these condemnations has been published by Theiner, *Codex diplomaticus Sanctae Sedis.*

[3] Döllinger, *Beiträge zur Sektengeschichte des Mittelalters*, II.

Manfred, King of Sicily, who thus proscribed heretics at the request of the Inquisition, was himself at the same moment fighting against the Church and excommunicated by it. Pope Urban IV endeavoured to set some other ruler against him, and this plan was successfully carried on by his successor, Clement IV, who set Charles of Anjou against Manfred, and was successfully concluded when Charles conquered Conrad, son of Manfred, at Tagliacozzo, and had him beheaded.

Excommunicated by the Church during a great part of his reign, Manfred's father, Frederick II, had prosecuted heretics with great severity, in perfect harmony with the Inquisition, which seems to show that he was acting less from religious fanaticism or a feeling of devotion to the Holy See than from motives of a political and social nature. He combated the heretics not so much as opponents of Catholicism but rather as revolutionaries who, by their teaching and their activities, menaced the established order, as did the Anabaptists of Munster later on in Germany, after the preaching of Luther.

The Emperors of the twelfth century had already shown great severity towards heresy, and we have seen above what a great part they took in the measures enacted by the Popes against it, and especially at the great Council of Verona.

Frederick II, from the first, followed the example of his predecessors. In his golden Bull of Egra (July 12, 1213) he promised his most definite help to the Pope, Innocent III, who was then his protector, in the complete extermination of heresy from his States: 'super eradicando autem haereticae pravitatis errore auxilium dabimus et operam efficacem.' On the day of his coronation (November 22, 1220), he published a Constitution, of which articles 5 and 6 were directed against the Cathari, Patarini, Speronists, Leonists, Arnaldists, and Circumcised heretics, renewing against them the

measures passed by Alexander III, Lucius III at Verona, and Innocent III at the recent General Council of the Lateran. He ordered the University of Bologna to explain this constitution in its courses on law. Four years later, in March 1224, he published an ordinance for the whole of Lombardy decreeing the pain of death against the heretics, in the name of civil as well as of ecclesiastical law, ' utriusque juris auctoritate muniti,' and from the plentitude of his power, for, said he, the Lord, in giving him the Imperial crown, had made him the guardian of the body of the Church, with the obligation of preserving it from the contamination of scabby sheep.

The expressions we have mentioned show quite well that for Frederick II the repression of heresy was a function or even a duty of the Imperial office, and belonged to the political as much as to the religious order. He himself developed this consideration in a letter which he addressed to Pope Gregory IX. ' The Church is internally torn asunder by false brethren, as by hidden vices, and externally by the attacks of political rebellions which make visible wounds. To these two evils Heavenly Providence has applied not two remedies but one only, under a double form: the anointing of the sacerdotal ministry, serving for the spiritual cure of the internal vices of false brethren, vices which stain the noble essence of the soul; and the power of the imperial sword, which must pierce with its point the externally swollen wounds, and, by conquering public foes, materially suppress by cutting away that which is rotten and dried up.

' Such is in truth, Most Holy Father, the one though double remedy of our infirmity; and although these two things, the Priesthood and the Holy Empire, seem distinct in the terms which serve to designate them, they have in reality the same signification in virtue of their

same origin, for both were from the beginning instituted by the Divine power . . .

'It is therefore to us two, who really are only one, and who assuredly believe the same, that it belongs to ensure in concert the salvation of the faith, to restore the rights of the Church as well as those of the Empire, by sharpening the swords entrusted to us against the destroyers of the faith and the rebels against the Empire.'

It becomes clear from this that it is less as the mandatory of the Church than as the direct representative of God that the Emperor, 'in the plenitude of his power,' repressed heresy in the external forum, the internal forum alone being reserved for the Pope. Hence we understand why, even when in conflict with the Holy See, and even when excommunicated, he carried on against heresy a work of repression which he considered inherent in the Imperial dignity and office.

The Dominican Conrad of Marburg was charged with the application in Germany of the Imperial ordinances and the pontifical constitutions which had set up the Inquisition and determined its procedure. He acted with great severity.

From Germany, the Inquisition extended into Bohemia and Hungary, and from thence into the Slav and Scandinavian countries. As for Flanders and the Low Countries, these were from 1233 subject to the control of the French Inquisitor, Robert le Bougre. About 1240 there were inquisitorial tribunals, in charge of the Dominicans and Franciscans, in the majority of Christian countries.

The Inquisition ended by triumphing over the heresy against which it had been instituted, Catharist neo-Manichæism. At the commencement of the fourteenth century this had lost all its force in the South of France, and even in Italy, and henceforth only isolated cases are found.

The Waldensian heresy was much more tenacious.

Because the Inquisition of the thirteenth century prosecuted it at the same time as Catharism, it has often been confused with it; but in reality it differed greatly from it. 'The Waldensian doctrine,' writes justly M. Jean Marx in his learned study, *L'Inquisition en Dauphiné*, made little innovation so far as dogma was concerned; 'it was chiefly a negation of the authority of the Church and of the the value of its works.' We must not seek among the Waldenses the survival of the heresies of the early centuries such as we find in Catharism: the dualism of the Manichæans, the endless emanations of hypostases of Gnosticism and Marcionism, Encratism, and Docetism, which we have described when studying the doctrine of the Cathari.

The Waldenses wanted above all to return to evangelical poverty, and they condemned everything in the Church which departed from this, the wealth of the clergy, their princedoms, and their temporal authority. In the ecclesiastical hierarchy they found no longer any sanctifying force; sanctity was in their eyes individual and could be acquired, not by sacraments or by ritual practices, but by personal works.

They believed in the divinity of Christ and in his teaching, and even accepted Confession as well as the Eucharist; but they held that every just man can continue the work of Christ amongst his brethren, and for instance can absolve from sins, consecrate the Eucharist, preside at prayers, and preach the Gospel. Hence it was not only the wealth and temporal authority of the Church that they rejected, but the whole hierarchy of the Church. We may look upon them as Puritan Protestants who still kept some specifically Catholic doctrines, and were penetrated by a spirit of poverty, evangelical or Franciscan. At a time when the clergy they rejected, from the Pope down to the lowest ranks, enjoyed considerable wealth and temporal power, the

Waldenses appeared as revolutionaries. Their puritanism shook the foundations of the civil power. They regarded oaths as sins; they protested against all wars, offensive or defensive, they refused to society any right to shed blood, and in this anarchical attitude they resembled the Cathari.

Another reason which has led to people confusing the Waldenses with the Cathari is that the former also had their Perfect or Pure members. These were men who possessed such a reputation for sanctity that people addressed themselves to them in order to obtain absolution from sin, which was imparted in a ceremony recalling the *Melioramentum* of the Albigenses.

These much venerated and influential men were called 'bearded,' and, like the Perfect of the Cathari, they led a much more austere life than the other followers of the sect. Bernard Gui describes it for us in his *Practica*. 'Once that they have been received into the order (for they ended by forming a clergy), they promise to observe evangelical poverty and chastity; they must live on alms. Every year they hold one or two general chapters in secret, meeting in a house lent for the occasion by one of their members. There the heads entrust the brethren with missions in various countries, and also account is made to him of the collections and expenses incurred.' In the thirteenth and at the commencement of the fourteenth century, the Poor constituted a sort of confraternity, entered by the reception of the diaconate. A deacon was put through a previous examination on the Scriptures, and then went to study at the school maintained by the sect at Milan, or in some other house belonging to it. The ordination was performed by the majoral, or other superior, by the imposition of hands.

As to the other members of the sect, these were supposed to imitate the life of the Poor ones as much as possible, but they were not bound to follow it

altogether, and wherever the practice of their religion was impossible, they were given permission to conduct themselves externally as more or less pious Catholics.

The Waldensian heresy seems to have developed first of all in the neighbourhood of Lyons. In this town there dwelt a rich merchant, Peter Valdo, who gave his name to the 'Poor Men of Lyons,' because he gave up all his worldly goods in order to practise absolute poverty. These Waldenses or Poor Men of Lyons were expelled from Lyons by the Archbishop, and then spread through the surrounding country, Dauphiné, Provence, and even into Languedoc, in which they were confused with the Cathari. Like the latter, they penetrated into Italy, the Germanic Empire, and even as far as the shores of the Baltic Sea. They established themselves solidly in the Alpine vallies of Dauphiné and Piedmont, which were called especially the Waldensian valleys. It was in these valleys above all that the Inquisition prosecuted them.

From the commencement of the thirteenth century, in 1208, Innocent III nominated the Bishops of Couserans and Riez and the Abbot of Citeaux as his legates, not only for the province of Narbonne and Auch, but also for those of Aix, Arles, Embrun, and Vienne, in order that they should combat heresy. At the same time, the Emperor Otto IV of Brunswick ordered the Bishop of Turin to expel the Waldenses from his diocese.

In the course of the thirteenth century, a series of inquisitors took proceedings against them: the Dominican Étienne de Bourbon, who went through the country of Lyons and the diocese of Valence, and described the beliefs and customs of the heretics in his *Anecdota historica*; the Bishop of Avignon, Zoen Tencarari, who was sent by Innocent IV as legate to the provinces of Besançon, Tarentaise, Vienne, Embrun, Arles, and Aix in 1243; the Friars Minor, who were constituted

inquisitors of Provence and Forcalquier by Urban IV in 1263.

In spite of the efforts of the Inquisition, the Waldensian heresy was very powerful in the region of the Alps at the commencement of the fourteenth century. In Piedmont and in Upper Lombardy, the heretics publicly held congresses of more than 500 persons.

They defied the inquisitors. In 1321, two Friars Minor, Catelain Faure and Pierre Pascal, were sent against them by the head inquisitor, Jacques Bernard. They stopped at Montélier, at the Priory of S. Jacques. In the silence of the night, a numerous band of armed heretics penetrated into the Priory, breaking open the doors of the room in which the inquisitors were sleeping. The latter were massacred, and the murderers dismembered their bodies. . . . The heretics marched in 1332 against the inquisitor Jean Albert, of Castellazzo, and compelled him to fly, and Guillaume, curé of Angrogne, was killed in the village square on his way home from Mass, as the Waldenses suspected him of having denounced them to the inquisitor. At Suse in 1365, at Buqueras in 1374, other inquisitors likewise perished. In 1383, in Dauphiné, the people of Valpute boldy attacked the chatelain, Antoine Ruchier, who was wounded. In 1474, the inquisitor Jean Veylet, accompanied by a religious and a secretary, was attacked between Mont Genèvre and Césane; his bulls, papers, and documents were taken from him, as well as the money which he carried for his journey to Rome. A few years later on, the heretics of Valcluson attacked and pillaged the house of the inquisitor Blaise de Berra, and killed one of his servants. The peaceable attempts made by Alberto Cattaneo in 1487 were very badly received; the Waldenses of Valcluson gathered in great numbers and spoke of going to attack the Apostolic Commissary.[1]

[1] Jean Marx, *L'Inquisition en Dauphiné*, pp. 17–18.

It was doubtless because the heresy was so powerful that the governors and magistrates sometimes hesitated to lend their strong aid to the Inquisition. On October 19, 1331, John XXII blamed the bailli of Briançon and the chatelain of Queyras for the difficulties they raised against the prosecution of the heretics, and summoned them in particular to give up to the inquisitor or the bishop of the place two heretics they had been protecting.[1]

Benedict XII, who succeeded John XXII, promoted the prosecution of the Waldenses in every way possible. From the first year of his pontificate, he exhorted Humbert, Dauphin of the Viennois, carefully to seek out the Waldenses and to give them up to the inquisitors (June 16, 1335), and on the same day he wrote in the same sense to Aymar de la Voulte, Bishop of Valence. In the following year (April 13, 1336), at the request of the Friar Minor Guillaume de Montrond, inquisitor of Provence, he ordered the prelates, inquisitors, temporal lords, and towns of Lombardy, to have the heretics of Embrun and the other parts of Provence, who had taken refuge with them, arrested. (Vidal, No. 149.)

The movement thus launched did not slacken off. The inquisitor Pierre de Monts and the Archbishop of Embrun had twelve inhabitants of Valpute burnt in front of the church at Embrun; in 1353 they reconciled 150 Waldenses, imposing the Cross on them, and eighteen more in the following year. The two Franciscan inquisitors, Gugues Cardillon and Jean Richard, went through the valleys of the Embrunois in 1363.

Their zeal was surpassed by François Borrel. He had already been at the head of the Inquisition of Dauphiné before the election of Gregory XI (1370). This Pope confirmed his appointment, and after the Great Schism the Avignon Pope, Clement VII, reappointed

[1] Vidal, *Bullaire de l'Inquisition française*, No. 114.

him in 1381. In a series of bulls, Gregory XI requested for him the support of the governor of Dauphiné, the lords of Vinay, Virieu, Chateauvillain, the bailli of Embrun and Briançon, the lords of Clermont and Roussillon. After energetically reproaching the Archbishops and Bishops of Vienne, Embrun, Tarentaise, Valence, Viviers, Grenoble, and Geneva for their weakness he requested them to put themselves completely at the disposition of Friar Borrel. Then, addressing the inquisitor himself, he ordered him to send into the whole of Dauphiné, Savoy, and Provence, missionaries of the four mendicant orders, Dominicans, Augustinians, Carmelites, and Friars Minors, to preach against the heretics (May 7, 1375). This energetic campaign of preaching and the Inquisition was supported by the presence of a special legate of the Holy See, Antoine, Bishop of Massa. The governors and magistrates accompanied Borrel in his travels.

The archives of Isère have conserved the ' notebook ' in which Antoine Ruchier, chatelain of Valpute, has written the list of vacations devoted by him to the service of the Inquisition in his neighbourhood.

' He seconded François Borrel at the special command of Charles de Bouville, governor of Dauphiné. On June 20, 1381, he went to Embrun, where the inquisitor proceeded to interrogate Jean Lambert, a " master " of the Waldensian sect ; three men accompanied him. In 1382 he assisted the inquisitor in examining several heretics ; they went together to Argentière, where 140 witnesses were interrogated. In July 1383, the inquisitor learnt that among the people of Valpute upon whom he had imposed canonical penances, some had fled and others were not performing their penances ; he accordingly requested the chatelain to go into the valley with him. . . . However, the inquisitor received serious depositions against the people of Valcluson ; at the request of the

provost of Oulx, the vice-bailli and the magistrate of Briançonnais, he went to preach the good word to the people of this valley, always accompanied by Antoine Ruchier. But when they arrived in the valley, they encountered a violent resistance; the chatelain was wounded, and his thumbs put out of joint. Still he assisted the inquisitor in various cases which were heard at Embrun; several Waldenses who had relapsed were handed over to the secular arm.

'At the instance of the inquisitor, the governor of Dauphiné and the delphinal council ordered Artaud d'Arces, bailli of Briançon, to enter by force into Valcluson; the inquisitor and the bailli called upon Antoine Ruchier on October 26, 1384, to penetrate into the valley with as many men as he could. The expedition lasted twelve days. Armand du Roussel and Jean Rousset rode on horseback by the side of the chatelain. On April 3, the inquisitor passed at Oulx a series of sentences against a number of arrested Waldenses. . . . The armed men, Jean Faure, de Voreppe, and Etienne de Blois, accompanied on horseback Antoine Ruchier, who in the course of this long campaign, proceeded to a certain number of capital executions.' (Marx.)

This quotation gives us an idea of the activity displayed by the inquisitor Borrel during a quarter of a century, not only in the valleys which we have just mentioned, but also in Dauphiné, Piedmont and Savoy. The result of his activities was the creation of new inquisitorial prisons, those which already existed having proved insufficient for the number of prisoners he had arrested and condemned. Already on October 7, 1375, Gregory XI had become anxious about the custody of these prisoners, and he gave them into the charge of the bishops of their respective dioceses. On July 22, 1376, he confirmed the plan elaborated by the Bishop of Massa and a certain number of ecclesiastical and lay

persons of Vienne, who had proposed the creation of an inquisitorial prison in a place of this town called the Old Palace, belonging to the Archbishop. As to the chapter, this was to furnish a house situated near the hospital, which would be the headquarters of the Inquisition (Vidal, Nos. 306–307). On August 15, 1376, the Pope addressed a general appeal to all the faithful asking them to contribute alms to the support of the poor heretics who were prisoners of the Inquisition, 'pro alimentis carceratorum hujusmodi,' which seems to indicate that, when they were able, the 'immured' ones were supposed to support themselves.

This great Inquisition was carried on until 1393. In that year, numerous heretics were burnt at Grenoble. Thus ended the functions of this redoubtable inquisitor, who, having become provincial of the Franciscans of Provence, was succeeded as inquisitor by Antoine Alhaudi, nominated at his suggestion by the Pope on June 1, 1393.

The Waldensian heresy penetrated into Corsica, and accordingly the Inquisition functioned from time to time in that island. From 1340 to 1369 it was under the direction of the Franciscans; in 1372 it was carried on by a Carmelite who was Bishop of Mariana; in 1372 by the Bishop of Ajaccio and the Vicar-General of the Franciscans. Five years later, Gregory XI requested Leonard de Giffon, General of the Franciscans, to delegate an inquisitor for Corsica and Sardinia, these two islands being troubled 'by numerous heresies.'[1]

[1] 24th July, 1377; Vidal, p. xiii–xiv and No. 309.

CHAPTER V

THE INQUISITION IN THE FOURTEENTH CENTURY: SPIRITUALS, BEGHARDS, AND LOLLARDS

SIDE by side with the Waldenses, the thirteenth century witnessed the rise and development of several other sects who exalted poverty and threw discredit upon the Church, which was in their eyes guilty of accumulating riches and possessing princedoms. They arose out of the writings of a Cistercian hermit of Calabria, Joachim of Flora, Abbot of Corazzo, who died in the last years of the twelfth century. When explaining the Trinity in the light of the Apocalypse, he expounded a historical evolution within the three Divine persons, and thus accompanied his theology with a philosophy of history, itself ending in prophecy.

The Old Testament, according to this writer, was the work of the Father, who had himself predicted the redeeming work of the Son. The New Testament, the work of the Redeemer of the human race, was the kingdom of the Son; but the Son also in his turn predicted the coming of the Spirit, who should finish and perfect his own work, thus giving to the world, after redemption by the Son, that infinite love and charity which absorbs into itself both faith and hope, because it alone communicates to man the plenitude of the Divinity. Joachim of Flora described the signs which would announce the proximate coming of this Eternal Gospel of the Spirit, which should include in itself the two Testaments. The generations who

followed this writer commented on his work as on holy books, and placed about 1260 the year in which the reign of the Spirit was to begin.

This theology, so original that its author spontaneously submitted it to the judgement of the Holy See, gave rise to a system of morals and social politics. The first reign, that of the Father, was that of marriage, in which the flesh, so near to original sin, dominated. Marriage, which governs the sensual passions, was then the highest degree of human dignity. This epoch was also the period of fear, causing trembling humanity to bow down before a jealous God. The reign of the Son carried the spiritualisation of man to a high degree; that was the age of the clerical state, established on the absolute continence of virginity. The coming of the Paraclete as foretold would complete this work of spiritualisation, for the Paraclete is the Spirit. 'The clerics have begun this sublimation of the instincts, but have not renounced the active life; they have remained in the world, and have not completely broken with the body. Monks will carry out the exaltation of the Spirit to the highest degree by the contemplative life and absolute renunciation.'

In this opposition between the two Testaments, or the flesh and the spirit, and in the announcement of the final victory of the spirit, we have again certain Catharist doctrines—but, it is true, without any trace of Manichæism. On the other hand, this detachment from material things, this absolute renunciation, was preached also by the Poor Men of Lyons, and the Waldenses. It was also preached about the same time by him who espoused the Lady Poverty, S. Francis of Assisi.

Hence it is not surprising that the apocalyptic visions of the Calabrian abbot deceived in the course of the thirteenth century not only unbelievers like the Cathari and heretics such as the Waldenses, but also orthodox

people, who maintained that they were still orthodox even when they were condemned by the Popes. We refer of course to the Franciscans.

We may say that from its foundation, and during the first century of its existence, the Order of S. Francis was profoundly divided on the question of poverty. Some, nearer to their holy founder, wanted to practise it absolutely and would not allow that their order could possess any property ; others accepted the modifications which, during the lifetime of S. Francis himself, were made in the rule and the ideal by the Holy See, and asked that the Order should be able to possess goods and property, provided that each one used them in the spirit of poverty. The controversies on this question were often violent and led to bitter conflicts and even to schisms within the Franciscan family.

The defenders of absolute poverty were the Spirituals, or disciples of the Spirit, who were to hasten the coming of the Paraclete described by Joachim of Flora, by means of contemplation and absolute detachment from the things of this world. Poverty according to the ideal of St. Francis was for them the external sign of a really spiritual man. Hence many of them wrote commentaries on the works of Joachim of Flora, and eventually they were all called Spirituals. In 1247, a friar with Joachimist tendencies, John of Parma was elected minister general of the Order. He had to resign in 1257 when Pope Alexander IV condemned the 'Introduction to the Eternal Gospel.'

About the same time, a Franciscan of the Convent of Béziers, Peter John Olivi (born at Serignan in 1248), expounded a modified Joachimism which was henceforth the doctrine of the Spirituals. Rejecting the doctrine of the kingdom of the Spirit taking the place of that of the Son, inasmuch as this doctrine had been condemned by the Church, " he nevertheless adopted the division

of the history of the world into three ages, and of the history of the Church into seven epochs, set forth by Joachim of Flora."

The third age of the world corresponds to the sixth and seventh epochs of the Church. The sixth is characterised, not by the publication of a new Gospel, but by the renewing of the Gospel of Christ on the basis of the absolute poverty contained in the Rule of S. Francis, which is identical with the Gospel of Christ. Just as the second age of the world was characterised by the firmness of its belief in the divinity of Jesus, so also the third age will be characterised by the firmness in the practice of the poverty of Jesus. S. Francis is as it were a reappearance of Christ on earth.

'His order, or rather those who are inspired by his spirit, will be really the "evangelical poor"; they will be persecuted by the carnal Church, just as Christ was by the synagogue. And just as Christ was buried, so also the spirit of the Rule will be buried and stifled by commentaries, dispensations, and modifications. Olivi calculated that the third age of the world ought to last seven hundred years and begin about the year 1300 with the crucifixion of the "evangelical poor" by the Anti-Christ, who would find his principal supporters in the Franciscan Order. But again, just as Christ rose again, so after these trials would come the triumph. Olivi soon became the great theorist, the saint, and the prophet of the Spirituals.'

The Franciscan Spirituals, after numerous ups and downs, thought their triumph had come with the election of Celestine V (1294). This Pope had himself practised the hermit life in poverty, and knew and esteemed two Spirituals, Pietro di Macerata and Pietro di Fossombrosso. He received them, heard their complaints, released them from their obedience to their Franciscan superiors, and authorised them to live

according to their ideal of absolute poverty in hermitages put at their disposition by the Abbot of the Celestines. But their joy was of brief duration. Less than a year afterwards, Celestine V abdicated; his successor, Boniface VIII, revoked his decision, and favoured measures against the Spirituals. The latter, under the influence of Pietro di Fossombrosso, who took henceforth the name of Angelo da Clareno, refused to recognise the abdication of Celestine V, considering that it had been extorted, and they regarded the election of Boniface VIII as schismatical. Accordingly they continued to invoke the decision of Celestine V, which allowed them to live in their own way, and they called themselves the Little Brothers of the Poor Life, or Fraticelli. This is accordingly one of the names henceforth used for the Spirituals.

After the death of Peter John Olivi (1298), the Fraticelli grew in numbers. They gathered laymen around themselves, laymen of the Third Order, who also wanted to be examples and apostles of poverty; these were called Beguins.

Boniface VIII, Clement V, and John XXII endeavoured to suppress this movement, which became more and more opposed to the Church, reproaching it for its riches and its principalities, as did the Waldenses. But the movement found an energetic defender in the person of a Franciscan of the Convent of Narbonne, a fervent apostle of evangelical poverty, Bernard Délicieux, and in another Friar Minor who in his writings continued the work of Olivi, Ubertino da Casale. Very soon the Spirituals spread abroad into Italy and the South of France, especially at Narbonne and Béziers. In the two last-named towns, they were so powerful that they succeeded in expelling from the Franciscan convents the religious who were not willing to submit to absolute poverty.

After many remonstrances and several unsuccessful measures, Pope John XXII decided to crush the movement altogether, and on February 17, 1317, he ordered the inquisitors of Languedoc to treat the dissident Franciscans henceforth as heretics, whatever they might be called, Spirituals, Fraticelli, Bizochi, or Beguins. At the end of the same year, a new bull of John XXII (December 30) solemnly excommunicated and suppressed the sect of the Fraticelli, Brothers of the Poor Life, the Bizochi, or Beguins, who ' pretend to have an authorisation from Celestine V,' and had established themselves and multiplied in Italy, Sicily, Provence, Narbonne, and Toulouse. The Congregation of the Spirituals of Tuscany, which had at its head Henry of Ceva, was condemned a few weeks later (January 23, 1318), and the bishops were ordered to punish the rebels.

From that time onwards, the Fraticelli and the Beguins were the prey of the Inquisition.

John XXII began the prosecution. On April 27 he ordered the officials of Narbonne and Béziers to proceed against a certain number of Friars Minor, the source of dissensions and scandal in their order. The Narbonne friars were Guillaume de Saint-Amans, Raymond Crivelier, Cervian, Bernard Parazols, Bérenger Tortel, Jacques de Portal, Guillaume Laurent, Jacques de Rieu, Laurent de Salses, Raymond Carlat, Bertrand Durand, Pierre Fabre, Bernard François, Guillaume Sautons, Jean Barrau, Guillaume Roger, Raymond Bordic, Arnaud Raymond, Bernard d' Alzonne, François Sysinus, Pons Roca, Jean Rasier, Bernard d'Antugnac, Guillaume Arnaud, Raymond Bels, Bérenger de Ferrals, Guillaume Toulza, Bernard Bonet, Bernard Tournier, Bertrand Grancarota, Jean Corvi, Pierre Austensii, Guillaume Pourcel, Jean Gleize, Raymond Ferrier, Jean Pruni, Raymond Borditi, Gentilis de la Marche, Bernard de Saverdun, Raymond Dejean, Raymond

Maistre, Guillaume Rousset, Guiraud Marty, Pierre Vidal, Guillaume de Vesian, and Jacques de Montesquieu.

The Béziers Friars were: Bernard Marty, Pierre Dominique, Vincent Guiraud, Bérenger Juliol, Pierre Baysse, Pierre de Raymond Gontard, Pierre de Raymond de Mayrac, Bernard Andrieu, Bernard Pelhier, Bernard Guille, Béranger Cofi, Déodat Miquel, Jacques Séguin, Pons Porteneuve, Jean Fabre, and Guillaume Raoul.

These religious were summoned to Avignon, and appeared before the Pope in consistory. They had at their head Bernard Délicieux, who took on their defence. John XXII ordered them to submit; forty of them did so, but the other twenty-five, led by Bernard Délicieux, refused to do so. The Inquisition took charge of their persons, and a bull of the Pope dated November 8, 1317, ordered the Inquisitor of Provence and Forcalquier, the Friar Minor Michel le Moine, to begin their trial (Vidal, No. 15). Four of them remained obstinate, and were delivered over to the secular arm and burnt at Marseilles on May 7, 1318; one was condemned to imprisonment for life, and the twenty others to light penances. During the following years, the Inquisition condemmed to the stake a fairly large number of Fraticelli and Beguins at Narbonne, Lunel, Lodève, Béziers, Capestang, Carcassonne, and Toulouse (1319–1322).

As for Bernard Délicieux, he was arrested at the end of the audience with Pope John XXII in 1317, and subjected to an inquiry held by Guillaume Méchin, Bishop of Troyes, and Pierre Letessier, Abbot of S. Sernin at Toulouse, and judged by the Archbishop of Toulouse and the bishops of Pamiers and S. Papoul in the name of the Pope. Instead of being prosecuted as a heretic, he was accused of having stirred up the people of Carcassonne against the inquisitors, and of having

himself led them to the attack and pillage of the house of the Inquisition, with arms in his hands. According to the official accusation, summarised by the Pope himself in his bull of July 16, 1319, Bernard Délicieux apparently led the crowd to break open the doors of the inquisitorial prison, set the prisoners free, demolished the houses of several inhabitants of the town of Carcassonne, and pillaged their gardens and possessions. He also apparently spoke against the procedure of the Inquisition, and supported the heretics, their followers, and those who gave them shelter. Lastly, he was accused of endeavouring by treason to take away Carcassonne, Albi, and Cordes from the domination of the King of France and give them to that of the Infanta of Majorca, and of having contributed by magical arts in bringing about the death of Pope Benedict XI, the enemy of the Spirituals.

The judges upheld the first accusation only, and condemned Délicieux to imprisonment for life.

Against this policy of repression on the part of John XXII, the Fraticelli invoked the letters of several of his predecessors: for instance, the bull of Nicholas III, 'Exiit qui seminat,' inserted in the Sextum by Boniface VIII, declaring that the rule of S. Francis was visibly inspired by the Holy Ghost, and that, in ordaining the practice of absolute poverty, it was only following the example of Christ and the Apostles; and the canon 'Exivi de paradiso' of the Council of Vienne, approved by Clement V and inserted in the Clementines, which in a certain measure approved of the rigorists. In order to put an end to these discussions, John XXII reopened the matter in order to give a definitive sentence. A commission of theologians appointed by him condemned the thesis of the Spirituals: but the general chapter of the Franciscans, summoned by the general of the Order, Michele de Cesena, affirmed it once again, under the

influence of the general himself, William of Occam, and Buonagrazia of Verona.

John XXII thought he would settle the matter once and for all by publishing on November 12, 1323, the Constitution, ' Cum inter nonnullos,' in which he condemned as heretical the doctrine of the Spirituals and the Fraticelli, who affirmed that Christ and the Apostles never possessed anything of their own, but practised absolute poverty; and he caused this to be inserted into the *Corpus juris canonici*, in the section of the *Extravagantes*.

The Spirituals were emboldened even to the point of open rebellion against the Pope by the fact that they had found a very powerful protector in the person of the German Emperor, Louis of Bavaria.

At the death of Henry VII, a double election had given the Imperial crown to two rivals, Frederick of Austria and Louis of Bavaria. The Pope wanted to take advantage of this in order to affirm once more his supremacy over the Empire; he therefore reserved the settlement of the dispute to himself, and meanwhile he professed the strictest neutrality between the two claimants, declared the Empire vacant, and appointed as Vicar Robert of Anjou, King of Naples, the head of the Guelph party in Italy (1317). The two rivals nevertheless continued to fight against each other, and on September 28, 1322, Louis of Bavaria made Frederick of Austria prisoner at the Battle of Muhldorf.

In spite of this victory, Louis was unable to obtain the recognition of the Holy See, doubtless because he was not willing to accept the conditions which were the price of recognition. Instead, he assumed the office of King of the Romans, nominated an Imperial vicar in Italy, and reorganised the Ghibelline league of nobles of Lombardy against the pontifical army, which was laying seige to Visconti near Milan, and had to retire.

John XXII then published a warning letter, summoning him to appear in Avignon within three months, under pain of excommunication. Louis of Bavaria did not appear, and, after many delays, he was solemnly excommunicated (1324). This condemnation of the Bavarian Emperor coincided with that of the Spirituals, and united them together in a strict alliance against John XXII.

On May 22, 1324, in his solemn declaration at Sachsenhausen against the Pope, Louis of Bavaria openly sided with the party of the Fraticelli and the Spirituals. 'The wickedness of the Pope,' he said, 'extends even to attacking Christ, the Most Holy Virgin, the Apostles, and all those whose life has reflected the evangelical doctrine of perfect poverty. Seven Popes have approved the rule which God revealed to S. Francis, and by the stigmata, Christ authenticated it with his seal. But this oppressor of the poor, this enemy of Christ and the Apostles, endeavours by cunning and lying to abolish perfect poverty.'

In his learned study of Ubertino da Casale, P. Callaey shows well that several Fraticelli of note directly assisted in the drawing up of this appeal of Louis of Bavaria against John XXII; one of them was a former Franciscan who had become a Benedictine, Franz von Lautern. On June 27, 1324, John XXII ordered the Archbishops of Cologne, Mayence and Treves, the Bishop of Spire, and the Provincial and Guardians of the Franciscans in Germany, to arrest this man and to send him to Avignon, where he was to be tried. The Provincial was also to seize Henry von Thalheim, who, at the General Chapter of Perouse, had helped to carry the thesis of absolute poverty against the Pope, and was later on to become the Imperial Chancellor. John XXII several times renewed his command to arrest Franz von Lautern; on January 8, 1326, he ordered the *custos* of Ratisbon to seize him at any price, 'because he was

sowing the seeds of perverse doctrines *per diversa Alemanniae loca*.'

The Minister General, Michele de Cesena, although himself one of the Spirituals, was extremely reserved. At the General Chapter of Lyons, held at Pentecost in 1325—a year after the Manifesto of Sachsenhausen—he recommended all the Franciscans to speak only with moderation and respect of the Roman Church, the Pope, and his definition concerning evangelical poverty, ordering all superiors to punish delinquents with imprisonment.

In spite of his great age, John XXII carried on the war against his adversaries, who had joined together on religious and political grounds. On February 8, 1326, he solemnly condemned one of the chief works of one of the most venerated masters of the Spirituals, the *Postilla* of Olivi on the Apocalypse. He also wanted to make sure of the persons of Michele de Cesena and Buonagrazia da Bergamo, and under pain of deposition and excommunication he made them promise under oath not to leave the court or Avignon without his permission. Michele and his colleague knew that their trial was to begin, and the dispositions of the Pope left no room for doubt as to the result of it. Hence they fled during the night, and took refuge in Italy. In a bull recounting all these events, John XXII pronounced them to be deposed in consequence of their flight, and accusing them of heresy, charged the Inquisitor of Provence, the Franciscan Michel le Moine, to begin their trial (June 1, 1327).[1]

There was now open war between the Pope and the section of the Franciscan order, who, in spite of the sentence of excommuncation and deposition passed by the Pope against Michele de Cesena and Buonagrazia da Bergamo, continued to recognise the former as

[1] Vidal, No. 80.

minister-general and the latter as the procurator-general of their order.

As for Louis of Bavaria, he became still more hostile to the Pope. Under the influence of the Spirituals around him, he publicly accused John XXII of heresy, and by calling him henceforth only 'John of Cahors' he showed that he no longer recognised him as Pope. At the same time he decided to march on Rome. He set out from Trent on March 15, 1327, entered Milan, and there received the iron crown from the Bishop of Arezzo. He took possession of Pisa after a siege of eight months (October 8, 1327), and on January 7, 1328, he made his solemn entry into Rome and into the Basilica of S. Peter. On January 11, at the Capitol, the people, on the proposition of the Bishop of Aleria, proclaimed him Emperor. 'In the morning of January 17, a pompous procession conducted the Emperor from S. Mary Major's to S. Peter's, clothed in white silk and mounted upon a white charger. The Bishops of Aleria and Castello carried out the coronation ceremony according to the traditional rite; then Sciarra Colonna, the insulter of Boniface VIII, in the name of the Roman people, placed the diadem on the head of the "anointed of the Lord."'

For his part, John XXII had successively deprived Louis of the Duchy of Bavaria, and all his imperial or ecclesiastical fiefs (April 3, 1327), declared him to be a heretic because of his adhesion to the doctrine of the Spirituals (October 23, 1327), and finally had a crusade preached against him, at the same time declaring his coronation to be null and void (March 31, 1328).

The union between Louis of Bavaria and the Spirituals became ever closer as the struggle became more bitter. Ubertino da Casale, Buonagrazia da Bergamo, William of Occam, and Michele de Cesena were at Rome with him, and assisted in the double step which was to give rise to

a bitter war between the Pope and the Emperor, and to a schism in the Church. On April 18, 1328, in the atrium of S. Peter's, John XXII was declared deposed for heresy in an assembly of clerics and laymen, presided over by the Emperor Louis of Bavaria; and on May 12, Ascension Day, the Roman populace elected an obscure Spiritual, Pietro di Corbario, as Pope, under the title of Nicholas V.

We need not recount the details of the schism, which ended in 1333 in the submission of Pietro di Corbario to John XXII, nor the struggle between the Emperor and the Holy See, which came to an end with the death of Louis of Bavaria in 1347: we are only concerned with the important part played by the Inquisition in the repression of the Fraticelli.

It prosecuted them in the parts of the South of France where their sect had first of all developed. On October 10, 1326, the Bishop of Elne, Bérenger Batlle, was charged by John XXII to hold an inquiry into the errors concerning the absolute poverty of Christ and the Apostles professed by a Franciscan of Villefranche de Conflent, Guillaume Nègre (Vidal, no. 70). In order to escape the Inquisition, a certain number of Beguins of Béziers and Narbonne endeavoured to set out for the Holy Land and Greece, where none would suspect them, and one of them, Pierre Trencavel of Lieuran-Cabrières, collected funds for this emigration. He was arrested and condemned to imprisonment for life. He succeeded in escaping from the inquisitorial prison at Carcassonne. Arrested a second time, he was detained in the prison of the Inquisitor of Provence, together with his daughter Andrée, 'de crimine hujusmodi vehementer suspecta et etiam fugitiva.' On March 21, 1327, the Pope ordered Michel le Moine, Inquisitor of Provence, to hand over these two persons to Jean Duprat, his colleague of Carcassonne, who was charged with their trial. Tren-

cavel was condemned, with several of his followers: Etienne Gramat of Béziers, Blaise Boyer, a tailor of Narbonne, the priest Jean Roger, and Bernard Maurin, a priest of Narbonne.

Sometimes the hunted heretics took refuge in churches and convents, where they could not be arrested, and in this way their impunity was guaranteed by a sort of right of asylum. John XXII took this away from them, at the request of the King of France, Philippe VI (May 25, 1328). From that time on the agents of the civil authorities could seize them even at the foot of the altar if the bishop or inquisitor agreed. For his part, the Pope requested the King to allow the inquisitors to execute justice on the followers of Louis of Bavaria, who, coming from Italy in great numbers, 'multi Tusci,' had taken refuge in the Kingdom of France, apparently in the provinces of Provence and Languedoc. At the same time the Pope sent to the King the acts of the trial of a certain Pochin Esburre, who was to be prosecuted by the Inquisitor of Provence (July 30, 1328).[1]

Philippe VI must have sent a favourable reply to this request, for in the course of 1329, John XXII had the Fraticelli prosecuted even as far as Paris. In February, 1329, he charged Géraud de Campinulo, a canon and chantry priest of Paris, to seize a Fraticello, Cecco of Ascoli; in May he ordered him to publish the sentences passed against Louis of Bavaria, the anti-Pope Pietro di Corbario, and the jurists who defended their cause at Paris, John of Jandun and Marsilius of Padua; lastly, on July 13, he charged the same Géraud, Hugues Michel de Besançon, Bishop of Paris, and the University, to arrest Géraud Rostang of Genoa, a follower of Michele da Cesena, who had aided his flight from Avignon into Italy.

[1] Vidal, *Bullaire de l'Inquisition française*, No. 81.

The Bishop of Paris carried out the orders of the Pope, who congratulated him on his zeal on February 28, 1330, on the occasion of the trial of another Fraticello named Conrad. This Franciscan had accused the Pope of heresy, and the officials of Paris had him arrested and imprisoned. His trial was carried out by the Inquisitor of France, Aubert de Chalons, and the Bishop of Paris, according to the prescriptions of the Council of Vienne. The documents of the instruction and the means of defence of the accused were transmitted to the Pope, who returned them to the Bishop and the Official, praising their zeal, and exhorting them to carry on the matter (February 28, 1330) in accordance with the opinion given by the Cardinals Jacques Fournier and Pierre de Mortemart. But the Queen of France, Jeanne, interested herself in the accused, and the Pope had to release him, and content himself with his repentance.

Other documents show us the Inquisition of Aragon and Majorca functioning against the Fraticelli. The Dominican François Sala, the inquisitor's lieutenant, in conjunction with Gui de Terrena, Bishop of Majorca, prosecuted Bernard Fustier, a Friar Minor who had been denounced to them as a heretic; in his possession were found numerous writings infected with heresy, the majority of them having been sent to him by an inhabitant of Girone.

These proccedings, and those taken against a noble of Roussillon, Adhémar de Mosset, himself also accused of being a Beguin, had resulted from letters sent by John XXII on April 24, 1330, to the Bishop of Elne and the Inquisitor of Majorca, exhorting them to prosecute heresy with energy, and another sent on May 8, to the King of Majorca, James II, requesting him to support the action of the Bishop and inquisitor in every way he could.[1] The Pope was evidently satisfied

[1] Vidal, *Bullaire*, Nos. 96, 97, 99.

with the activity of the Inquisition and the King, for two years later he addressed congratulations to both.

Although head of the Guelph party in Italy, Robert of Anjou, the King of Naples, was not so docile towards the Pope. His wife, Queen Sanchia, did not hide her sympathy for the Spirituals, and under her influence the King made a show of resistance to the inquisitorial process directed against two of these, Pierre de Cadenet and Andre de Galian, by Géraud, the general of the Franciscan Order who has been nominated in the place of Michele da Cesena. John XXII took energetic steps, threatening to denounce to the whole world the favour shown by the Queen to the Spirituals. 'If the Queen, angry with the general of the Friars Minor, sets out to defame him,' wrote the Pope on March 13, 1332, to King Robert, 'he and his brethren will be obliged to publish and write in various countries, for their own justification, that the Queen favours the schismatics and apostates from the Order, from whatever part they come, receiving them, and furnishing them abundantly with all that they want, while she persecutes the faithful friars. She will not suffer that either the general or the inquisitors and bishops do their duty against the heretics ; on the contrary, she has taken from the prelates the letters we addressed to them concerning the office of the Inquisition.'

Allies of Louis of Bavaria against the Papacy, the Spirituals became of great importance in Germany, making numerous proselytes among the mystics on the one hand, and the Ghibellines and opponents of the Roman Court on the other. Accordingly, the Inquisition prosecuted them with a very special energy in all the countries which did not accept the authority of Louis of Bavaria.

In some places the bishops took charge of the prosecutions. Among the most important captures

made by Henry, the Archbishop of Cologne, there figured in 1322 a Dutch Beguin, Lollard Walter, who exercised such an influence upon his disciples that they were called Lollards after him. He preached and wrote in the vulgar tongue, as Luther was to do two centuries later on. When arrested, he refused in spite of torture to give the names of his followers, and died at the stake. In 1325, assemblies of Beguins were discovered; fifty of them were put to death, always by episcopal authority. The energetic action of the Archbishop of Cologne was imitated in Westphalia by his colleagues of Munster, Osnabruck, Minden, and Paderborn, and by the Bishop of Metz; in the last-mentioned town several heretics were burnt.

The episcopate felt that it was necessary to organise regular inquisitions and to entrust them to religious. Accordingly, about 1340 we see an Augustinian religious, Jordan, functioning in Saxony, and condemning 14 heretics to the stake at Angermunde, and one at Erfurt. The last-mentioned heretic declared himself to be the Son of God, and announced that he would rise again on the third day; he seems to have been a madman rather than a heretic.

After the death of Louis of Bavaria (1347), the Empire had as its chief ruler Charles IV of Luxemburg, so devoted to the Holy See that he was called 'the Emperor of the Priests.' The Inquisition was in his time directed no longer by the bishops but by the Pope. In 1348 John Schandelang, a Dominican of Strasburg, was nominated as inquisitor for the whole of Germany, in the name of the Holy See.

The Holy Office had to be active in consequence of the unbridled and revolutionary mysticism resulting from the Black Death, which manifested itself in Germany and France by a multiplication of wandering bands of Flagellants. The expelled mystics, the Brothers

of the Free Spirit, the Fraticelli, Lollards, and Beguins, everywhere flocked to the Flagellants, especially when Pope Clement VI severely condemned their practices. Hence the Popes several times endeavoured once more to set the Inquisition in motion against all these heretics. In 1353 Innocent VI renewed the powers of John Schandelang; in 1366 another Dominican, Henry of Agro, exercised the inquisitorial functions in the province of Mayence, the diocese of Strasburg, the diocese of Basle, and in the province of Besançon, assisted, as had been decreed by the Council of Vienne, by the representatives of the bishops. In 1367, Urban V nominated two Dominicans, Ludwig von Caliga and Walter Kerlinger, as inquisitors against the Beguins, and in two edicts signed at Lucca on June 9 and 10, 1369, the Emperor Charles IV ordered all those in civil authority to give their most absolute support to the inquisitors. At the same time he once more enforced the decrees made by the Hohenstaufen Emperors in the twelfth and thirteenth centuries, particularly Frederick II, against heresy.

Thus organised, the repression was severe. At Magdeburg, Erfurt, Nordhausen, many Beguins were burnt. It was also efficacious, for the Emperor soon afterwards declared that the heresy had been abolished in the provinces of Magdeburg and Bremen, in Thuringen, Hesse, and Saxony. In 1372 Gregory XI ordered the heretics to be prosecuted in the countries of Brabant, Holland, Pomerania and Silesia, the confines of the Empire, to which they had fled.

The Great Schism, although it weakened the Church by dividing it into two rival obediences, did not paralyse the Inquisition in Germany. In 1392, a Papal inquisitor named Martin went through Suabia, reconciled a great number of Beguins and Spirituals to the Church, and also sent some of them to the stake. In the same year,

at Bingen, thirty-six heretics were burnt. During the following years, 1393 and 1394, another Papal inquisitor, Peter, provincial of the Celestines, displayed great activity. He reconciled a large number of heretics, contenting himself with giving them canonical penances. One of his registers, according to Dr. Lea, contains no less than 443 cases.

This recrudescence of the activity of the Inquisition, even during the schism, was due to the fact that the heresy was becoming more and more redoubtable. All the sects which had sprung up in consequence of the mystical movement of the Spirituals became intermingled, and on the other hand, the Waldensian heresy awoke again at their contact. Lastly, all these sects took an ever more revolutionary character.

The Spirituals had already directed against John XXII an offensive at once religious and political, since they had declared him to be an intruder, and had made common cause with his rival, the Emperor Louis of Bavaria, in deposing him and causing the schism. The imperialistic doctrines of the lawyers were propagated by the leaders of the Spirituals against the Papacy. The French theologian Occam made common cause with the imperial lawyers, Marsilius of Padua and John of Jandun. In proportion as the movement grew, it took on a social character, for it was among the masses of the people that the heresy found its recruits, and very soon from being social it became socialist and even anarchist, with the Lollards, Wyclif and John Huss.

In 1413, John Lucke drew from the works of the former 160 propositions, which were soon afterwards condemned by the Council of Constance. Here are the ones which deal with social questions :

' 1 Without grace, a man cannot have a legitimate right to property, nor to the depositions of witnesses, nor to sentence by judges, nor to material possessions,

nor to inheritance, nor to mutations, nor even to all of these combined.

'2. Since God has given to man all goods, as soon as a man abuses them, he can no longer claim the divine donation; and if this title of property is lacking to him I do not know what other he can bring forward.

'3. All unjust men who occupy a possession of God must have taken it by theft, rapine or brigandage.

'4. Every community or ecclesiastical person in the habit of abusing its riches may be deprived of them by the civil power, whatever may happen to be the human titles they may advance.

'5. God cannot give to man a perpetual civil power, whether for himself or for his heirs.

'6. Succession is not a sufficient title to legitimize a true power, unless charity is joined to it.

'7. No person in a habitual state of mortal sin is capable of exercising legitimate power.

'8. If the country should be ravaged or devastated, even by barbarians, it is better to suffer all humbly than to repress the aggression with force.

'9. God requires justice in the civil power, hence whosoever is in a state of mortal sin is master of nothing.'

It is not necessary to examine these propositions at length in order to see the characteristic of mystical anarchism they possess. According to Wyclif, power is but the communication by God to man of his own supreme power; but God only communicates himself to those in a state of grace, and hence whosoever is in a state of mortal sin is unable to enter into communication with God, and in consequence is incapable of exercising a legitimate authority. Accordingly, whosoever in virtue of the pretended laws of succession, popular consent, or possession itself, should presume to govern without the grace of God is a usurper. It is a duty in all the faithful to rise up against him, and to destroy a

tyrant who is the more hateful because he attacks God himself.

Doubtless the theologians of the theocracy had preached during the Middle Ages a doctrine which may be compared in certain respects to that of Wyclif. According to them, the most rigorous orthodoxy ought to be required in every holder of power, and the prince who should put himself in open opposition to the Church was by this very act deprived of all authority. The fall of the prince was the logical and immediate consequence of his excommunication, and so, just as, according to Wyclif, he could not have legitimate authority without a state of grace, so also, according to Gregory VII, he had no power without orthodoxy.

But the resemblance between these two doctrines is quite superficial. They are radically distinguished by the fact that the theocratic doctrine designates the tribunal which is to judge the holders of authority who are accused of heresy, and on that account liable to deposition, as well as the procedure which is to determine the offence, the punishment of which is to be deposition. These claims may be considered excessive, but, inasmuch as far from destroying authority they merely place it elsewhere, and centralise it in the person of the Pope, we cannot accuse them of being anarchichal.

But in the theory of Wyclif, on the other hand, the fault which destroys authority is not an evident one, for mortal sin is not so characteristic an act as open rebellion against the Church. The prince might commit one in his private life, in secret, within his own mind even; his fault would be known to himself alone, or perhaps to his most intimate friends, or to a greater or less number of his subjects; it would thus have a very variable degree of publicity. But, above all, there was the point as to who could say with certainty that the sin was a mortal one. Intention aggravates a fault which

is venial in appearance, or attenuates a sin apparently mortal. What man is able to scrutinise consciences to the point of being able to divine with certainty that the prince has committed a mortal sin which ought to be followed by the withdrawal of obedience? Logically only God could do this, but Wyclif attributes the right to everyone. Revolt on any occasion, the signal for revolt given by the first comer, in consequence of any act whatsoever, are the consequences of these propositions taken from the works of Wyclif. Although he does not deny the existence of authority in theory, in practice he makes the exercise of it impossible, and anarchy is the necessary consequence of his theological errors.

Communism may also be inferred from his teaching with equal ease. We may sum up in two propositions the ideas of Wyclif on property: (1) without the state of grace, property is theft; (2) the state of grace gives a right to property. Now these two propositions justify all envy and all spoliation. To an accusation addressed to Louis Philippe by an interested party concerning a functionary accused of Carlism,[1] the King cleverly replied that a Carlist functionary was one whose place was desired by another. Might we not say with still more reason that once the system of Wyclif should have force of law, the owners whose possessions were coveted by others—that is, all owners—would be immediately regarded as in a state of mortal sin? That would mean anarchy in the matter of property. And what does this right of property conferred by grace signify, if not that everyone has this right? For, lastly, although consciences may be more inclined to evil than to good, still it is not impossible that all should be in a state of grace for a time shorter or longer, that is, possess the right to property; and to secure to everyone the means of acquiring property when the

[1] A Carlist was one in favour of the Restoration of Charles X.

purity of his conscience shall permit it there can be but one method, the establishment of communism.

Wyclif himself did not recoil before these conclusions, and in his treatise on the civil power (*De civili dominio*) he formulated this collectivist thesis: 'All the goods from God ought to be common, and I prove it thus: Every man ought to be in a state of grace, and if he is, he is the master of the earth and of all that it contains. Now, this could not be harmonised with the multiplicity of the human race if goods were not possessed in common; therefore they ought to be so possessed.'

Lastly, the idea of country was rejected by Wyclif and his disciples; for does not the recommendation of a passive attitude always in presence of attacks by an enemy, the condemnation of a defender of his country, and the regarding him as a guilty man, render all patriotism impossible? Does this not deny the duties which our nationality imposes upon us, and transform them into crimes? Thus, we find in the mind of this English preacher of the fourteenth century the Utopian and anti-patriotic ideas of a Tolstoy, as propagated by our modern socialists and anarchists. It was under this anarchical, communistic, and anti-patriotic aspect that the system of Wyclif was viewed by the Council of Constance which condemned it, and by the Inquisition which prosecuted those who propagated it.

These doctrines soon ceased to be purely speculative, and gave rise to serious social trouble. In England, the Lollards rose up, ravaged the counties of Essex, Kent, Suffolk, and Norfolk, opened the doors of the prisons, and massacred Churchmen, lawyers, and financiers. On June 13, 1381, the Feast of Corpus Christi, they entered London, and the next day they killed the Archbishop of Canterbury and the Grand Prior of S. John of Jerusalem, whose heads were carried on poles throughout the city. It is difficult to deny

that Wyclif was, if not the direct instigator of these atrocities, at least the inspirer of those who committed them. The Lollards, and in particular their leaders, Wat Tyler and John Ball, claimed to be his followers, and in the sequel, public opinion attributed to his preaching the responsibility for these violent acts. Lastly, it is impossible not to see a close relation between his declarations against the Church, its possessions and its temporal authority, and these excesses against clerics, prelates, financiers, and magistrates.

John Huss was always looked upon as a disciple of Wyclif and his successor; their contemporaries made no distinction between them, and they were condemned together by the Council of Constance. This close solidarity between these two heretics has been definitely affirmed by the French historian who has made the best study of John Huss and the Hussites, Ernest Denis. Now, while insisting for preference on the theological errors of Huss, the Fathers of Constance noted that they were seditious and preached rebellion in the name of grace; and they derived from them this proposition, which is purely Wyclifian doctrine: 'Any man in a state of sin is neither a temporal prince, nor a prelate, nor a bishop: Nullus est dominus civilis, nullus est praelatus, nullus est episcopus.'

The Council was not wrong in attributing this doctrine to Huss, for later on Aeneas Silvius Piccolomini found it taught by the Hussites. According to them, he tells us, 'whoever was guilty of mortal sin became incapable of fulfilling any civil or ecclesiastical function whatever, and in this case revolt against him is the most sacred of duties.'

The doctrines of John Huss, like those of Wyclif, naturally led to disorder and civil war. The University of Paris had condemned them previous to the Council of Constance, predicting that 'this pernicious heresy,

fruitful in lamentable crimes, could only lead the people to insubmission and revolt, and would finish by involving the country so unfortunate as to receive them in the curse of Cham.'

This prophecy was fulfilled to the letter, for during a great part of the fifteenth century, Bohemia was ravaged by the Hussite War. According to anti-Catholic historians, this war was due to the burning at the stake at Constance of John Huss and Jerome of Prague, in spite of the safe conduct given them by Sigismund, King of the Romans. Others with more reason attribute the struggle to a political cause, and see in it the conflict between the Slav aspirations, identified with heresy, and Catholic Teutonism. But we must not forget that the Hussite claim had decidedly socialist and communist elements, and from this point of view the revolutionary movement in Bohemia in the fifteenth century followed directly from the doctrines of John Huss and of Wyclif, who synthesised all there was of anti-social teaching in the systems of the Spirituals, the Bogards, Waldenses, and the Cathari.

In his fine *History of the German People*, Janssen brings out this truth : ' In an address to the Council of Prague,' he writes, ' a portion of the Hussite party proposed the adoption of twelve principal articles. These articles called for the abolition of all rights contrary to the commandments of God. The abrogation of the existing law was the first step to make towards the end to be attained : the free use of waters, forests, and pastureland for all. In the administration of justice, everything was to be based on the Divine law. Men were brothers, no one ought to be subject to anyone else. Others wanted a community of goods : no one ought to possess particular property any longer. He who kept something for himself alone would be in a state of mortal sin.'

Cardinal Branda, the Legate in Bohemia, emphasised the anti-social character of the Hussite aspirations in 1424: 'The majority of these heretics,' he said, 'want a community of goods, and maintain that the authorities have no right either to tribute or obedience. By these principles all civilisation is destroyed. The Hussites regard divine and human rights as non-existent, and only seek to get rid of them by violence. Things will go so far that neither kings nor princes in kingdoms or principalities, nor burghers in their towns, nor private persons in their own houses, will be safe any longer; for this abominable sect does not only attack the faith and the Church; directed by Satan, it declares war upon the whole of humanity, all of whose rights it attacks and upsets.' He concludes by saying that the salvation of human society, *conservatio societatis humanae*, was involved, as much as the Church, in the defeat of the Hussites.[1]

In this passage Cardinal Branda was echoing the sentiments of King Robert the Pious three centuries before. When this king put to death the neo-Manichæans of Orleans, he accused them of preparing by their doctrines 'the ruin of the country and the death of souls: 'ruinam patriae et animarum interitum.' Branda saw in the defeat of the Hussites the salvation of the human race, 'conservatio societatis humanae.' This agreement between the King in the eleventh century and the Cardinal in the fifteenth is not due to chance; it shows that the great heresies of the Middle Ages, which were more or less inter-connected, had an anti-social, communistic, and anarchist aspect, and that one of the objects aimed at by the Inquisition was precisely the safeguarding of both social interests and the religious truths which they menaced.

[1] The last two pages have been taken from a study by the present writer: "La Répression de l'Hérésie au Moyen Age" in *Questions d' Histoire et d'Archéologie Chrétienne.* (Paris, Gabalda.)

CHAPTER VI

THE INQUISITION IN THE FOURTEENTH CENTURY: JEWS AND SORCERERS

THE Inquisition also had to deal with the Jews, but from a particular point of view.

So long as these remained faithful to their religion, they entirely escaped its activities. In virtue of the principle that, not knowing the Christian law, they could not be judged by it, they enjoyed through the whole of the Middle Ages almost complete liberty of conscience. On many occasions canon law laid it down that no Jew could be baptised by force. A constitution of Clement III forbade any Christian to confer baptism upon a Jew who did not wish to receive it, or to kill him, or to wound him, or to take away his possessions without a regular judgement by the civil authority authorising it, or to hinder him in the observance of his worship. The faithful were commanded to respect the individual liberty of the Jews and their cemeteries, and only to require of them the usual contributions. Clement III threatened with excommunication those who should violate these prescriptions, and declared that he would take the Jews under his protection. He added that in acting thus he was following the example of Calixtus II, Eugenius III, Alexander III, and Celestine III, his predecessors in the twelfth century.

By inserting this pontifical decree in the Fifth Book of his Decretals, Gregory IX made these prescriptions his own, at the very time when he was organising the

Inquisition against the heretics, and it is to be noted that the compiler of the Decretals, the one who there transcribed the bull of Clement III, Raymond of Pennafort, had a few years before been a severe inquisitor in Aragon.

The measures enacted in the *Corpis Juris Canonici* against the Jews were taken less in order to persecute them than to protect Christians against their enterprise and power. If they could not have Christians either as slaves or servants, this was to preserve the latter from their control; and it was for the same reason that Christians were forbidden to have recourse to their doctors or surgeons save in cases of grave necessity. We must suppose that such cases presented themselves fairly often, for the Jewish doctors had an extensive Christian clientèle, and were often the official doctors of Popes and Bishops.

At the very moment when the Inquisition of the South of France was prosecuting heresy, there were Jewrys endowed with privileges and a special organisation at Toulouse, Carcassonne, Narbonne, Agde, Béziers, Montpellier, Lunel, and Beaucaire. 'The Jewry of Narbonne was situated in the domain of the viscount of that town. . . . There were also in 1276 some Jews who dwelt in that of the Archbishop of Narbonne. There were several Jews at Pamiers, under the authority of the Abbot, and later of the Bishop of that town and of the Count of Foix, who were the lords of the place.'

In the majority of the towns in which they dwelt, they possessed synagogues in which their worship was carried on without restraint, and sometimes even rabbinical schools, and the property of these synagogues and schools was guaranteed by the laws of the civil society and of the Church.

In his learned studies in the *Histoire littéraire de la France*, devoted to the French Jewish writers of the

fourteenth century, Renan reminds us that when the Jews were expelled from France by Philippe le Bel, who was desirous above all of appropriating their wealth, in spite of canon law, they found an asylum in the lands which were to become papal (Avignon and le Comtat), in the county of Orange, in Provence and Catalonia. 'Toward the middle of the century,' he adds, 'we find Jewish students at Montpellier. Arabic was taught by them at Arles, Tarascon, and Perpignan. King Robert of Anjou was the inspirer of this. We find a great number of Hebrew writers who dedicated their works to him (for instance, Schemariah of Negropont); and it was for him that Calonymus made his translations into Latin.' Among these Jews, patronised by Robert of Anjou, was Levi of Bagnols, the author of several philosophical works. 'The Avignon Popes,' says Renan, 'greatly esteemed his astronomical works.'

In these conditions the inquisitors had nothing to do with the Jews except when by their writings they attacked the Church, or else when, having been converted, they became by their baptism answerable to the Church in all that concerned the faith which they had freely adopted, and in particular, answerable for apostacy.

For just as in fact the Church recognised in the Jews the right to be and to remain Jews freely, so also in the same measure she wanted to make sure that they should not insinuate their way into the Church by a simulated conversion. She feared to be corrupted by such a dangerous infiltration of foreign elements, and to expose her faithful to the designs of enemies under the deceitful appearance of brethren. Hence she watched carefully the sincerity of converted Jews, and when she had reasons to suspect it, she applied to them the severe penalties intended for apostates; for the converted Jew who remained a Jew in his faith was a renegade to the faith of his baptism, that is, an apostate.

The inquisitorial measures taken against relapsed Jews were therefore the punishment of a deception, a means of defence against a dangerous Jewish penetration.

On the other hand, we must allow that many of these conversions were the result, not of simulation, but of terror. On several occasions, the mediæval populations, in all countries, manifested the most ferocious hatred of the Jews; in consequence of crimes committed by certain of them, or of calumnious accusations propagated by credulity, they made great massacres, or pogroms, as we should say, of the Jews; and many of these were able to save their lives only by becoming Christians. It is easy to understand that when peace reigned once more, these Jews were tempted to reject a Christianity which they had simply looked on as a means of escape from assassination, and in this case the application of penalties destined for relapsed persons seems excessive.

In 1268, Clement IV ordered the inquisitors to prosecute the converted Jews who had returned to their errors. This bull was renewed by several of his successors, Gregory X, Nicholas III, and Nicholas IV. It was certainly put into practice, for in 1285 a Dominican, William of Auxerre, was called 'inquisitor of the heretics and apostate Jews in France.' In his *Bullaire de l'Inquisition française*, M. Vidal gives us several cases of proceedings by the Inquisition against converted Jews who returned to Judaism.

On April 7, 1338, Benedict XII ordered all persons possessing civil or religious authority to lend assistance to Raymond Raboti, a Benedictine of the Monastery of S. Eutychius, in the diocese of Spoleto, and to Laurent Raimbert, a citizen of Avignon, charged by the Seneschal of Provence, Jean Badas, to arrest a Spaniard named Alfonso Dias, 'qui olim de judaismo ad fidem conversus, catholicam et sacri baptismatis gratiam consecutus, postmodum, instigante diabolo . . . in errorem judaicae

caecitatis pristinum, tamquam canis ad vomitum . . . est subversus.' Dias had taken refuge among the Jews of Dauphiné or Savoy.

Another bull of Clement VI (January 13, 1343) shows us a relapsed Jew bribing the notary and commissary of the Inquisition, Menet de Robécour, a canon of Montréal, in order to stop the proceedings against him. This Jew, Jean de Lombers, had been denounced as a relapsed person by Amiel Massol, Durand Ros, Raymond de Ulmo, Jacques Malfredi de Graulhet, Jean de Cunho de Puybegon, Guillaume Texier, and Jean des Breuils, clerics and laymen of the dioceses of Castres and Albi. When summoned, Jean de Lombers, instead of appearing, had bribed Menet, who imprisoned the denouncers and subjected them to 'the question' in order to make them withdraw their accusation. As he was not able to obtain anything from the witnesses, Menet had interpolated the text of their declarations. These witnesses appealed to the Holy See from the prison in which they had been detained since Christmas, and the Pope ordered the Bishop of Carcassonne to hear them. We must suppose that the complaint of these imprisoned witnesses was justified, for they were liberated, and shortly afterwards Menet de Robécour was no longer commissary and notary of the Inquisition. A bull of June 13 of the same year, which mentions a case in which he was concerned, speaks of him as *having been* commissary and notary of the Inquisitor.

On September 30, 1359, Innocent VI charged the Franciscan Bernard Dupuy, Inquisitor of Provence, to seek out the relapsed Jews who had taken refuge in other countries. These countries were the kingdoms of Castille and Aragon, for it was to these kings that the Pope recommended the mission of Pierre Dupuy. An Inquisition of the same kind was entrusted by Urban V on June 26, 1364, to the successor of Pierre Dupuy,

the Franciscan Hugh de Cardillon ; it was to deal with the region of Carpentras, the Savoy, Valentinois, and the Diois ; for the Pope accredited the inquisitor to the lords of these regions. In 1391 the Inquisitor of Carcassonne, Pierre de Baucheyo, was active against the relapsed Jews, for his vicar, Bernard de Gaillac, condemned one at Montpellier. Lastly, when nominating the Franciscan Pons Feugeryon Inquisitor of Avignon, Dauphiné, Provence, and the Comtat Venaissin on August 30, 1409, the Pope who had just been elected at the Council of Pisa, Alexander V, reminded him that he was to prosecute the converted Jews who returned to Judaism.

The Church always endeavoured to react against the outburst of hatred which led Christian people to acts of violence against the Jews. As the inquisitors themselves might be involved in this movement, the Holy See reminded them on several occasions of the rules of law in this connection. In 1360, the Jews of Provence had called the attention of Pope Innocent VI in a petition to a certain number of cases of abuse of power in their regard by the inquisitors. For instance, they were not allowed to have copies of the process against them made at their own expense ; again, the decree of the Council of Vienne which ordered the presence of a representative of the Ordinary was not observed in cases in which they were concerned ; the preventive prison was as severe for them as the punitive prison, ' duro carceri qui magis ad penam quam ad custodiam videtur tendere, presumitis mancipare.' The Pope took all these complaints into consideration, and ordered the inquisitors to take much more account henceforth of the rules of law and of humanity when dealing with them.

Boniface VIII had allowed the giving to accused Jews, as to other accused persons, of the names of the witnesses

to the charge when anonymity was not necessary for the safety of these ; there is reason to believe that sometimes sufficient account was not made of this bull. Gregory XI renewed its prescriptions on June 1, 1372. A few years later, on April 15, 1383, the Pope of Avignon withdrew from the Inquisition the conduct of the trials in which Jews were concerned and entrusted them instead to the Ordinaries, who were apparently more gentle because they mixed more with the world. This was the subject of a letter which the Pope wrote to the ecclesiastical provinces of Sens, Rouen, Rheims, and Lyons. On the other hand, he allowed the presence of Jews among the *probi viri* who assisted the inquisitors in weighing the value of the depositions, and in giving advice on difficult cases.

Many heresies became involved in sorcery and magic, especially those which, like the Luciferians, boasted of counteracting the evil arts of Satan by evoking him and giving him worship. These magical practices multiplied, especially when the sects were attacked and became secret ; within their ranks, some of their adepts, male and female, endeavoured to establish a very special reputation for themselves by making people believe that magical practices put them in touch with the beyond. In popular circles, superstition ascribed a very great power to sorcery and magical practices ; hence the multiplication of sorcerers.

The Church had always opposed these practices, for besides the fact that they were superstitious, they easily led to the grossest obscenity ; orgies and lustful scenes often took place in the secret reunions of these sects.

Once the Inquisition had been founded, it shared with the Episcopate the repression of magic, sorcery, and witchcraft. Cases of merely superstitious or immoral practices were dealt with by the episcopal

curiae, but as soon as heresy was involved, the Inquisition intervened. This was specified by Pope Alexander IV in his bull of December 9, 1257. John XXII energetically carried on the war against witchcraft, which had undergone disquieting developments. In his name, Cardinal Guillaume Pierre Godin ordered the Inquisitor of Toulouse on April 22, 1320, to prosecute all diviners, adorers of demons, and others guilty of sorcery, and in 1330 the Pope himself gave to the Inquisitors of the provinces of Toulouse and Narbonne, the task of repressing all these criminal practices: the invocation of demons, and making sacrilegious pacts with them, the fabrication and baptism of little wax images, the casting of spells and other practices of witchcraft, the profanation of the sacraments of the Church and especially of the Eucharist in magical rites. 'The Pontiff no longer made a distinction between superstition and heresy; henceforth all were regarded as attacks upon the faith, and from now on the punishment of heretics was due to all the followers of sorcery.' The numerous cases of witchcraft which figure in the *Bullaire de l'Inquisition française*, show us how active the inquisitors were in this regard, stimulated as they were by the Popes themselves.

On July 28, 1319, John XXII ordered the Bishop of Pamiers, Jacques Fournier, who functioned as inquisitor in his diocese, to prosecute 'three sons of Belial,' Pierre Azéma, a priest, Pierre Ricard, of the Carmelites, and Galharde Enquede, of Montgaillard, guilty of fabricating superstitious images, incantations, consulting demons, fascinations, sorcery, and other superstitious practices. We do not know the details of this case, but we know that a monk, Pierre Ricard, was condemned for sorcery at Pamiers on January 17, 1329. In June, 1320, a priest was accused of sorcery, together with several accomplices, and detained at Carcassonne; the

Pope enjoined the seneschal to send them to two of his familiars, Gailhard de Mazerolles and Pierre de la Penne, who would send them on to him to be judged, together with the documents of the case from Carcassonne.

The trial of Jean l'Archevêque, lord of Parthenay, which was begun by the Inquisitor of Tours and aroused a lot of excitement by the incidents connected with it, was a case of sorcery. He was accused of fabricating images of wax, and of making diabolical incantations in order to win the favour of a lady. In 1327, a Cistercian monk of Valmagne in the diocese of Agde, Raymond Miquel, was accused of worshipping the devil. John XXII called the case to his own curia, and requested the Bishop of Béziers to have this monk brought there under proper guard.

The Inquisitor of Paris, Aubert de Châlons, was as zealous as his colleagues in the South. In 1330, he began a prosecution against Maître Anselme de Gênes, a surgeon at Paris, and Reginald de Cravant, a cleric of the diocese of Auxerre, for heresy and sorcery.

Before succeeding John XXII in 1334, Jacques Fournier, first as Bishop of Pamiers, and then as Bishop of Mirepoix, had done more than interest himself in the work of the Inquisition; he had himself been an inquisitor at the same time as bishop, and had dealt with sorcerers and dealers in the occult. Accordingly it is not surprising that when he became Pope, under the name of Benedict XII, he gave a very special attention to these questions of magic. On April 24, 1335, he requested the Bishop of Paris, Guillaume de Chanac, to send him the whole dossier concerning a cleric originally of L'Hay, Garin, imprisoned by order of Hughes de Besançon, Chanac's predecessor, and accused 'super diversis horrendis sortilegiis, maleficiis, et erroribus.' In the territory of the Comte de Foix, Gaston II, in which he continued to interest himself

particularly, he caused to be arrested Pierre de Coarraze, Nicolas de Saint-Boé, Lespaylier de Solas, and Divinus de Salies, strongly suspected of sorcery and invocations of demons, and requested that they should be sent to him at Avignon. They were still in prison there the following year; the Inquisitor Guillaume Lombard was in charge of their trial.

The mountains of Béarn and Bigorre must have abounded in sorcerers and magicians, if we may judge from the letters written on the subject by Benedict XII to the Comte de Foix and the Bishop of Tarbes.

Equally strange things took place in the mountains of Limoux and Pamiers. A cleric of Rieux, Guillaume de Mousset, called 'the bastard of Mousset,' and several Cistercians of the neighbouring Abbey of Boulbonne, Raymond Fenouil, Arnaud Gifre, Bernard Aynier, and Bertrand de Cahuzac, devoted themselves to alchemy, in the hope that it would provide treasure for their avarice. Mousset told them that he knew of an enchanted mountain near Limoux, in the sides of which there was an enchanted treasure, guarded by a female magician.

In order to get to this mountain, win over this magician and take away the treasure, he made a speaking statue of wax, which was to be baptised. This statue was bought by Guillaume, taken to Pamiers to a certain Pierre Garaud, and from Garaud Raymond Fenouil himself carried it to the monastery of Boulbonne, where he placed it on the altar of S. Catherine. The monks who were not in the secret left it there, then Raymond took it back to Garaud at Pamiers. These religious were so bold as to entrust their abbot, Durand, with the statue, enclosed in a basket, with nine needles which were to be used to pierce it. Raymond Fenouil kept for several days a ritual containing the formula of baptism; this he obtained from a cleric of the church of Montaut, whom he asked to give him the Holy Chrism from this

church, but without obtaining it. What became of the waxen statue, the needles, and the baptism? Did it take place, and was the Chrism used? But above all, what became of the enchanted mountain, the treasure, and the magician? We do not know, for the letter of Benedict XII only speaks of an inquiry which is to be made into these matters, projected rather than carried out. A letter written six months later by the Pope to the Abbot of Boulbonne (July 23, 1340), telling him to get on with the matter, does not give us any more information.

Under Alexander V we get another interesting case of magic. Three citizens of Narbonne, Pierre Olive, Jean Guillem, and Arnaud Peynore, although good Catholics who believed all the articles of the faith, went to Mass, and received their Maker in Holy Communion, informed the Pope that they had had recourse to a necromancer, but for the common good. They wanted by incantations to rectify the course of the Aude, which went along the town of Narbonne and passed under the bridge which joins it to the Bourg, in order to avoid the dangerous incursions of the river into the town. This incidentally proves that the water-course was already a torrent in 1411, and even a long time before.

To divert the river, it was necessary to break up a great rock which obstructed its course, and in this difficult but useful task, our three citizens thought that the necromancer would procure for them the powerful assistance of the devil.

But the Inquisition was on the watch to see that the bulls of Alexander IV and John XXII were observed. It cited the three citizens of Narbonne to their house in Carcassonne. As obedient sons, 'ut filii obedientie,' they all there went there, 'unanimiter': but they were as wide awake as obedient, and when the inquisitor interrogated them they wanted to make no reply,

inasmuch as the official of Narbonne was alone entitled to deal with the affair, seeing that no heresy was involved in it.

The inquisitor did not share this view, and began by demanding money from them to pay the costs of the process. The citizens did not want to pay; if the official and the inquisitor could come to an agreement the matter could be settled, and they requested the Pope to decide the question of competence. Alexander V was amenable, much more so than Benedict XII or John XXII would have been; he charged the Abbot of S. Gilles to decide between the inquisitor and the official, and then to absolve *ad cautelam* the three Narbonnois from the sentence of excommunication if the official or the inquisitor had pronounced this.

This letter of Alexandra V, like that of Martin V, introducing a Jew among the *probi viri* in inquisitorial cases in which their co-religionists were involved, marks a decided moderating of the Inquisition. It was on the decline about 1430, and if it still persisted, condemning the Fraticelli in Italy and Joan of Arc in France, it was not from itself or from the Church that it derived its life, but from the civil power, which had taken it over in order to make use of it for its own ends as an instrument of domination.

CHAPTER VII

THE INQUISITION SUBJECTED TO THE CIVIL POWER

THE establishment and functioning of the Inquisition in the thirteenth century had aroused serious opposition not only on the part of the heretics, declared or secret, which it directly threatened, but also from the populace which, even when itself orthodox, had relations with the heretics, from civil magistrates who found themselves face to face with a powerful organisation claiming to dispense with them, and also communal authorities, who feared that the omnipotence of this new institution would affect the independence of the civil power. Hence arose those conflicts and troubles which principally in France and Italy, but also in other countries, accompanied the history of the Inquisition.

It had only been functioning regularly for eight years when, in consequence of executions ordered by the Inquisitors Arnaud Cathala and Guillaume Pelhisso, more than three hundred persons revolted against the latter at Albi. Two years later (1235), at Toulouse, the consuls themselves lead their fellow-citizens in expelling the Friars Preachers and the inquisitor. The same was done at Narbonne, where the Dominican convent was invaded and the registers of the Inquisition destroyed. An intervention by Gregory IX with Count Raymond VII brought about the return of the Preachers to Toulouse in 1237.

About 1280, at Carcassonne, there took shape a strong opposition to the Inquisition on the part of the

burghers, who feared for the communal liberties and the individual liberty of each, especially in view of the fact that whosoever opposed the will of the inquisitors was himself considered as a favourer of heresy or even a heretic, and was menaced with the penalties reserved for these kinds of persons. Under the leadership of a high dignitary of the Church, related to the best families in the town, Sanche Morlane, Archdeacon of Carcassonne, organised a plot for the seizure of the registers of the inquisitors, in which there figured the names of a number of suspected persons who might one day find themselves condemned to the stake. The project was discovered and one of the conspirators confessed ; and prosecutions were begun by the inquisitor. The Archdeacon played a bold hand, and complained to the Pope ; similarly the consuls appealed to the King. Sanche Morlane and the consuls complained that the Inquisition did not confine itself to prosecuting heretics, but was establishing a regime of suspicion by threatening whosoever was not devoted to them.

These complaints provided Philippe le Bel with the occasion which he had been looking for in order to intervene. Proud of his royal authority, and anxious to defend it against any pontifical invasion, as his violent quarrel with Boniface VIII was to show, he could not regard with a favourable eye these inquisitorial tribunals passing grave judgements in the name of the spiritual authority, and compelling the temporal authority to execute them without discussion under pain of excommunication. The domination of the Holy See which the King feared had no more powerful instrument than the Inquisition, especially now that Catharism had been finally conquered, and it had in consequence greatly extended its sphere of work and its activities.

To abolish the Inquisition would be a difficult task ; the very attempt to do so would mean running the

risk of being regarded as a favourer of heresy. Philippe le Bel was clever, and he saw that the better way would be to bring it under the royal sway by controlling it, taking an ever increasing part in its judgements, discussing their execution, and when this should be accomplished, go one step further and subject it to the royal power in order to make this institution of the pontifical power an instrument of the royal will. The abuses of the Inquisition complained of by the burghers and even the secular clergy, were going to be exploited in this sense by Philippe le Bel.

He accordingly welcomed the complaint of the consuls of Carcassonne, and forbade his seneschal to imprison anyone at the request of the inquisitors, unless he should be a manifest heretic. Very soon afterwards, he announced the speedy arrival in Languedoc of royal investigators to put a stop to abuses. Then he decreed that no converted Jew could be arrested as a heretic or as a relapsed person at the requisition of the inquisitors unless the motives for the arrest had been examined by the seneschal or the royal bailli (1295).

This last measure, an extension of the two former ones, was equivalent to imposing the royal exequatur as a preliminary condition in every inquisitorial prosecution.

We must be careful not to explain this attitude by a desire to moderate the severity of the Inquisition, or to give greater liberty of conscience. These sentiments were quite foreign to Philippe de Bel, however ' modern ' one may suppose him to have been. He never recoiled from brutality when he thought it useful for his government, and on the other hand he was as zealous a defender of Catholic orthodoxy as his grandfather S. Louis. This is proved by the fact that on several occasions he commanded his seneschal at Carcassonne to take strong measures against the Jews, having them arrested and expelled from the kingdom, threatening with death

any that should return. That was in 1306. This same prince, who in 1295 seemed to wish to moderate the Inquisition, was in 1304 to strengthen its power, and to proscribe as seditious any league formed against the inquisitors. The intervention of Philippe, then, was based only on political motives.

Pope Boniface VIII understood the gravity of this claim of the royal power to control the Inquisition, and in order to show how much he objected to it, he ordered the Inquisitor of Carcassonne in October, 1297, to begin prosecutions for heresy against several royal functionaries at Béziers. Thus the conflict which set the Pope and the King against one another in the matter of tithes was complicated by another quarrel concerning the Inquisition.

This disagreement seems to have quietened down in the following year. At the price of certain pontifical concessions in the political and fiscal domain, Philippe le Bel gave up for the time being his opposition to the Inquisition. In the sixth book (Sextum), which Boniface VIII added on March 3, 1298, to the *Corpus juris canonici*, the Pontiff claimed that the Church has the absolute right to demand the unconditional concourse of the secular officers in the action of the Inquisition, and consequently implicitly condemned the claims put forth by Philippe le Bel in 1295, that the sentences of the Inquisition should only be carried out when they should have been examined by him and received his approbation. Now, far from protesting against this pontifical bull, to which Boniface VIII attached so great an importance that he had it inserted into the legal code of the Universal Church, the King ordered his officers to respect it scrupulously (September 5 and 15, 1298).

One of the immediate consequences of these two acts was the submission of the people of Carcassonne, who under the leadership of two lawyers, Guillaume

Garric and Guillaume Brunet, carried on the strong opposition to the Inquisition begun in the preceding years by the Archdeacon, Sanche Morlane. In an assembly comprising the Bishops, Abbots, Inquisitors of Toulouse and Carcassonne, and 'king's men' such as Jean de Burlas, master of the archers, and Lambert de Thury, Lord of Saissac and the seneschal's lieutenant, the last-named obtained from the Inquisitor Nicholas d'Abbeville a pardon for the inhabitants of Carcassonne. A dozen of the leaders, consuls, advocates, and notaries were given penances; the town was to erect in the Dominican convent a chapel in honour of S. Louis who had recently been canonised, and then the excommunications passed by the inquisitor were cancelled. In short, Philippe le Bel abandoned those whom he had four years previously encouraged to resist. This was realised by the Carcassonnian lawyers and in particular by Guillaume Garric and Castel Fabre, who had been severely punished by the inquisitor.

This entente between Philippe le Bel and Boniface VIII was of short duration; the year 1300 witnessed the beginning of difficult negotiations between them in connection with the Bishop of Pamiers, Bernard de Saisset, against whom the King proceeded in spite of the Pope. The King also took up once more his opposition to the Inquisition, with the devoted aid of a certain number of legates and prelates. One of the King's most active seconders in this matter was a member of the Council who was to become his right arm in many grave matters, Guillaume de Nogaret. He had particular reasons for hating the Inquisition: he belonged to a Catharist family from the neighbourhood of Carcassonne, his grandfather had been burnt as a heretic, and if the spiritual and civil legislation making the sons and grandsons of heretics incapable of holding offices had been observed, he would not have been able to

occupy the important posts which he already held, and all those others which the King's favour was to shower upon him.

The prelates of Languedoc were supporters of the King with certain reservations, and upheld his view, some discreetly, others more openly, against the Pope and the inquisitors. Their Metropolitan, Gilles Aycelin, Archbishop of Narbonne, was Chancellor to Philippe le Bel. It was to some of these Bishops that the King entrusted the surveillance of the Inquisition. In his trial, Bernard Délicieux declared that, in 1300, Gaucelm, Bishop of Maguelone, and Bérenger de Frédol, Bishop of Béziers, were delegated by the King and the prelates in order to examine the procedure of the Inquisition, 'erant deputati per regem et praelatos et suum consilium ad videndum processus dictorum inquisitorum.'

This change of front on the part of the Royal power revived the opposition against the Inquisition; it found an active and energetic leader in the person of a Minorite Friar of the Convent of Narbonne, Bernard Délicieux. A deputation headed by him set out for Senlis where the Court resided; it presented to the King the complaints of the populations of Albi, Carcassonne, and Toulouse against the Inquisition. It was at this time that the case of the Bishop of Pamiers was causing once more an acute disagreement between Philippe le Bel and Boniface VIII. Accordingly the King gave favourable reception to the deputation, whose spokesman was Délicieux. The Bishop of Albi, Bernard de Castanet, who was denounced as having taken part in the cruelties of the Inquisition, was condemned to pay a fine of two thousand pounds; the King demanded and obtained from the Dominicans the revocation of the Inquisitor of Toulouse, Foulques de Saint-Georges, accused by the deputation of excessive severity.

Then followed several ordinances which, under the pretext of combating abuses, put the Inquisition under the control of the bishops and the King. On December 7, 1301, Philippe le Bel, recalling the fact that the inquisitorial prison of Toulouse belonged to him, decided that the gaoler should be nominated by the bishop, and failing him, by the Seneschal; that the inquisitor should not be able to imprison anyone without the approbation of the Bishop, two Friars Minor, two Friars Preachers, two Archdeacons, and other ecclesiastical persons who were also to be consulted.

Nevertheless the conflict between Boniface VIII and Philippe le Bel became acute. By his bulls, *Salvator mundi* and *Ausculta fili*, the Pope proclaimed his rights over the King, and drew up a list of the latter's attacks upon the liberties of the Church and of his people. Soon afterwards, he convoked a council at Rome for November 1, 1302, in order to deliberate 'on the reformation of the kingdom and the correction of the King.' The latter anticipated the council by gathering together in Notre Dame at Paris on April 10, 1302, the representatives of all the orders, who affirmed their attachment to the King in declarations which were sent to Rome. In November 1302, the decretal *Unam sanctam* proclaimed the right of control by the Pope over the royal government, and was shortly followed by threats of excommunication in the case of the King, and interdict for the kingdom. On March 7, 1303, Guillaume de Nogaret was instructed to carry on the fight, and it became still more bitter; a few days later, this descendant of the Cathari, in the presence of an assembly of prelates and nobles at the Louvre, publicly accused Boniface VIII of various offences. The King having been excommunicated, appeal was made on June 14 to a general council against the Pope, whose condemnation was called for, and Guillaume de Nogaret and Sciarra Colonna organised

an expedition into Italy which was to culminate in the wretched affair at Anagni on September 7, which was followed by the death of Boniface a month later (October 11).

Side by side with these events the campaign against the Inquisition was carried on in the South of France. Bernard Délicieux went through Languedoc preaching a sort of crusade against it; at Alet, Caunes, Gaillac and Rabasteins he roused the population by his forensic eloquence. At Carcassonne on August 3, 1303, he called together the inhabitants in the cloister of the Friars Minor, and at the end of his harangue the crowd made for the houses of the friends of the Inquisition and pillaged them. A short time afterwards, the Vidame of Amiens, Jean de Picquigny, and Richard Leneveu, Royal commissioners for Languedoc, arrived at Carcassonne. The people went to meet them and conducted them to the convent of the Friars Minor, where were already gathered together representatives from Cordes, Albi, and other towns. The commissioners were asked to entrust the consuls with the custody of the prisoners of the Inquisition, and they consented; and while the prisons of the Inquisition were thus being emptied, the crowd, still excited by Bernard Délicieux, marched once more against the convent of the Dominicans.

The Vidame of Amiens was excommunicated for this by the Inquisitor of Carcassonne, Geoffroy d'Abluses, and returned to Paris to inform the King. Délicieux, who accompanied him throughout, endeavoured to win the support of the Queen, Jeanne, whose confessor was a Franciscan, but the King decided to visit Languedoc before doing anything further. He went through the country, accompanied by Guillaume de Nogaret, who had returned from the expedition to Anagni; he was addressed by the delegates of Carcassonne, Cordes, and

Albi. The voyage resulted in the Royal ordinance published at Toulouse on January 13, 1304.

In this, Philippe le Bel declared in the preamble, that, informed by the inhabitants of Carcassonne, Albi, and some other towns of the country, of the scandal arising out of the inquisitorial trials, which might give rise to troubles in the State, and seeing that the office of inquisitor was exercised for the glory of God and the increase of the faith, he had judged it good to visit the country himself both to re-establish peace and tranquillity and to reform abuses. He mentioned the conferences which he had had on the matter with the prelates, princes, and barons of the country, with Guillaume Peyre, the Provincial and Vicegerent of the Dominican order, and lastly with the inquisitors. He had decided to have the prisoners of the Inquisition visited by royal commissions, accompanied by inquisitors, 'not indeed,' as he was careful to add, 'that we wish to usurp ecclesiastical jurisdiction thereby, or to put any obstacle in its way, but to pacify the people, to prevent scandal and dangers, and to ensure that the office of inquisitor should be exercised in a better and more efficacious manner.'

This ordinance, which simply stipulated that the prisons of the Inquisition should be visited by the King's men, and enlarged the office of the bishops in the repression of heresy, was a disappointment for Bernard Délicieux and his followers. They had thought that the King would abolish the Inquisition, instead of which he only wanted to adapt it to his own use by subjecting it to his own control, and establishing therein the bishops, whom he thought, and not without reason, he could rely on more than on the Dominicans. This disappointment resulted in a conspiracy headed by Bernard Délicieux which aimed at transferring Carcassonne to the power of the Infanta of Majorca, the son of the King of

Aragon. This caused Délicieux to be brought before the Inquisition, which however was indulgent towards him.

The death of Boniface VIII facilitated the task of Philippe le Bel. The new Pope, Benedict XI, made some resistance. He was a Dominican, and accordingly attached to the Inquisition. When the Vidame of Amiens presented himself before him at Perouse in order to receive absolution from the excommunication pronounced against him by the Inquisition, Benedict XI had a fit of anger. 'Go, turn this patarin out of the Church while the Divine office is being celebrated there,' said he to the marshal of the palace who was at his side (May 17, 1304). The Pope died shortly afterwards (July 7), and Bernard de Castanet, Bishop of Albi, Geoffroy d'Abluses, Inquisitor of Carcassonne, and Guillaume de Morières, Inquisitor of Toulouse, had an act drawn up by Jean, the Bishop elect of Spoleto, on November 3 following, stating that Jean de Picquigny had not been able to receive the absolution from the dead pontiff.

The inhabitants of the Albigeois did not allow themselves to be discouraged, and they had as their spokesman in the Curia the chapters of Sainte-Cecile and of Saint-Salvy d'Albi, together with the Abbot and monastery of Gaillac. These canons and religious, joining together against their Bishop, Bernard de Castanet, who was at Perouse in order to lend his support to the Inquisition, sent a petition to the Sacred College which governed the Church *sede vacante* after the death of Benedict XI. They begged the Cardinals to intervene between their country and the inquisitor, putting an end by a wise decision to decisions harmful to the people and to the Church: 'Nostra patria quantis sit exposita praecipitiis et ruinis propter questiones et dissensiones quibus ad invicem se collidunt patria et inquisitores hereticae pravitatis, novit Ille qui nichil ignorat.'

The Pope who was at length elected by the conclave, Clement V, had not the firmness of Boniface VIII, nor even that of Benedict XI; his pontificate marked the triumph of Philippe le Bel, particularly in the matter of the Inquisition. On March 13, 1306, he charged the Cardinal of S. Vitalis, Pierre Taillefer de la Chapelle, previously Bishop of Toulouse, and the Cardinal of SS. Nereus et Achilleus, Bérenger de Frédol, Bishop of Béziers, to hold the inquiry against Castanet and the inquisitors which was asked for by the inhabitants of Albi and Cordes.

The choice of the two commissioners was significant. Bérenger Frédol had been for many years a friend of Bernard Délicieux; this religious, arrested by order of Clement V at the request of Philippe le Bel, who regarded him as a nuisance, could always count on the protection of the Cardinal in the Curia. He owed him first of all a very easy prison, and then his release. The prisoners of the Inquisition were assured of the sympathy of the friend of Bernard Délicieux.

After a preliminary sitting, in which the powers and procurations were examined, the two cardinals visited the prisons of the Inquisition at Carcassonne. In the lower chambers they found forty 'immured' persons, nearly all of them Albigenses. After receiving their complaints, they immediately gave orders for the transportation of several prisoners or sick persons into the upper dungeons, as soon as these should have been made ready. They decided that all the provisions sent to the prisoners should be given to them entirely, that the Bishop of Carcassonne and the inquisitor should have power to give them permission to stay and walk *per carrerias muri largi*, that is, in the streets bordering on the prison. To the chief guardian appointed by the Inquisition they added a second, who was to be nominated by the Bishop of Carcassonne. Lastly, they ordered the

restitution and replacement of all the officials. Each cell should have two keys, one for each guardian. Similar measures were taken at Albi. In the following year, Castanet, Bishop of Albi, was declared suspended both spiritually and temporally.

The Pope considered that Bérenger Frédol had been too favourable to the enemies of the Inquisition, and giving his powers to Castanet, he transferred him to Puy. Bérenger had his revenge at the Council of Vienne. He certainly took a great part in the drawing up of the constitution *Multorum querela* promulgated by the Council, and afterwards inserted in the appendix to the *Corpus juris canonici* called the *Clementines*. This Constitution, in accordance with the wishes of Philippe le Bel, the prelates, and other opponents of the Inquisition, gave an important part in the functioning of the Holy Office to the Ordinaries. The inquisitor could not act without them ; the prisons were under their surveillance, and they took an important part in the deliberations and sentences of the tribunal. The Inquisition became mixed, episcopal almost as much as papal, and through the bishops there entered into these tribunals the influence of the sovereign, who had much more control over the episcopate than over the religious orders. This constitution was the ecclesiastical equivalent of the ordinances of Philippe le Bel against which Boniface VIII had protested, and which less than ten years after his death were approved by his successor Clement V and an ecumenical council.

From the time when the Inquisition thus became subjected to the influence of Philippe le Bel, it took more and more a political aspect, and controlled by a civil power which lorded it over the spiritual power itself, it became in the hands of unscrupulous kings a terrible instrument of domination and tyranny.

This is made clear from the case of the Templars.

It is very likely that the destruction of the Order of the Temple was one of the conditions laid down by Philippe le Bel for the election of Clement V. The King of France was on the one hand alarmed at the political influence which the Templars possessed in virtue of their immense riches, and on the other hand, always in need himself, he greatly desired to enrich himself by their spoiliation. For this it sufficed to have them condemned as heretical, seeing that the canonical and civil legislation agreed in applying the penalty of confiscation to the crime of heresy. As the Inquisition was the competent tribunal in the matter, Philippe le Bel decided to have an inquisitorial process against them.

Clement V had been elected on June 5, 1305. On November 5, 1306, he announced to Philippe le Bel that he was sending two cardinals enjoying his full confidence, who would take part in an important council held by the King. This accordingly supposed that the Pope must have received an invitation to do so, at least a few weeks before. The events which followed show that among the grave matters which were to be discussed, which, according to the words of the Pope himself, concerned the whole of Christendom, but more especially France, and which concerned the Pope as closely as the King, figured that of the Templars.

The Cardinals sent to the Pope were Bérenger Frédol, who had inquired into the Inquisition at Carcassonne and at Albi, and Etienne de Suisi, Cardinal of S. Cyriacus in Thermis.

Bérenger Frédol had already given to Philippe le Bel so many signs of his submission that he was indeed the man required for the affair. After having been so much in favour with Boniface VIII that this Pope had entrusted to him the redaction of the *Sextum*, he had subscribed to the terrible accusations against him drawn up by Guillaume de Plaisans, and on July 3, 1303,

together with the two Bishops of Agde and Lodève, who did but follow him, he had signed a public declaration of alliance with the King against Boniface VIII and the appeal against the latter to a General Council. Immediately after Anagni, he accompanied Philippe le Bel and Nogaret in the tour they made in the South. Later on he seems to have been mixed up with the absolution of Nogaret, and in December 1310, Clement V described him as 'a friend of the King and very well versed in his affairs.' He pushed his friendship very far when, in the course of the inquiry ordered by Clement V into the accusations made against Boniface VIII, he himself guaranteed the purity of the intention of the King in presence of the commission which was holding it, and of which he was himself a member. He went on to affirm that he had 'never heard the arrest of the Lord Boniface spoken of, nor of any insult made to the said Boniface in the King's presence, nor of anything coming from the King either in word or in deed contrary to the good estate of the said Lord Boniface.'

From all this we can infer that Bérenger Frédol, Bishop of Béziers, first Cardinal Priest of SS. Nereus and Achilleus, then Cardinal Bishop of Tusculum, was indeed a King's man.

We do not know what transpired in the extraordinary council at the end of 1306, but in the following year events were brought to a head thanks to a Churchman who was still more a King's man, and this Churchman was himself the Inquisitor of France, Guillaume de Paris.

When the King of France had entrusted him with the direction of his conscience, with all the problems involved therein, this Dominican was probably already the 'Inquisitor General of the Realm,' and knowing the politics of Philippe le Bel, it is reasonable to suppose that one of the motives for the King's choice was that

he was thus annexing the Inquisition in the person of his confessor. 'However this may be,' says M. Felix Layard in the article on Guillaume de Paris written by him for the *Histoire littéraire de la France*, 'in the affair of the Templars, the great Inquisitor, only too disposed perhaps to second the intentions of his royal penitent, showed himself to be a King's man rather than a minister of the Holy See, from which he held his powers, and without waiting for the authorisation of the Pope, he set himself to work.' At the same time that the King was sending to his officers the orders to see that all the Templars remained in the territory of their governments or baillis, William, by a circular of September 22, 1307, gave orders to the Inquisitors of Toulouse and Carcassonne, the Priors, Sub-Priors, and Lectors of the Order of S. Dominic throughout the realm, to interrogate the Templars concerning the crimes of which they were accused.

It is also to be noted that, out of excessive zeal, he declared that he himself was responsible for an act which had been requested of him by the King; the Inquisition which he thus ordered was instituted by the special favour of the King. He himself dealt with several Templars taken in the King's wide net, at Troyes, Bayeux, and at Paris in the Temple itself; between October 19 and November 24 he interrogated 138; on the last mentioned day, the Master of the Order, Jacques Molay, appeared before him.

He had received from the King instructions which he communicated to all his delegates in the whole of France. The King's commissioners were first of all to seize the possessions of the Order, and make an inventory of them, to put the knights under a sure and safe guard, and then to interrogate them. It was only after this first examination made by the King's men that the inquisitor and his commissaries began their

interrogations, 'by torture if it should be necessary.' In order to put strong pressure on the accused, the inquisitors were to give them the alternative of being absolved and released should they confess, or of being put to death if they persisted in their denials.

Guillaume de Paris and his delegates faithfully carried out these instructions, as is shown by the records of their procedure which have several times been published. They describe the interrogations made in Champagne, Normandy, Quercy, Bigorre, and Languedoc. Guillaume de Paris carried them out in Paris, in the very house of the Temple, in presence of other religious, King's counsellors such as Simon de Montigny, registrars, officials, and numerous others.

Torture was administered with cruelty. Twenty-five Templars died in consequence of their pains; those who were not condemned to torture were prepared for avowal by the regime of bread and water to which they were subjected during the month preceding their appearance. In spite of all this, some confessed nothing and defended the honour of their Order right to the end. The majority confessed, some of having profaned the cross, others of having practised sodomy, others again of having denied Christ and carried out Satanic rites.

The commissioners of Guillaume de Paris proceeded in the same way. 'By hell's force,' they obtained the confessions called for by the King. But afterwards the majority of the accused retracted their confessions, doubtless when they learnt that they were already condemned because the King regarded it as necessary. 'Our brethren,' wrote several Templars in 1310, 'have said what their tormentors wanted.' 'Have you been tortured?' was the question put to Brother Ponsard de Gisi in 1310. 'Yes, three months before my confession, they tied my hands behind my back so tightly that the blood spurted forth from the nails, and they put me in a

ditch fastened to a tether. If you subject me again to like torture, I will deny all that I say now, I will say all that you wish. I am ready to undergo torture provided it is short; cut off my head, or have me boiled for the honour of the Order. But I cannot support the torture of slow burning, like those inflicted on me since two years in prison.'

In the spring of 1308, when the Master-General of the Order, Jacques Molay, appeared before the Papal Commissioners in a church in Paris in the presence of a great crowd of people, he was reminded by Cardinal Bérenger Frédol of the confessions he had made in the course of his interrogation by the inquisitor on November 24 of the preceding year. 'Molay uncovered his wounded limbs, excoriated and pitted by the instruments of torture, and his exposed bones. This action eloquently explained how he had been made to say all that they wanted him to say and why he shouted to the crowd that he and the Templars were innocent. At this sight, the two Cardinals (Bérenger Fredol and Etienne de Suisi) had shed tears without saying a word, and had given up the idea of pronouncing the sentence which the Pope had sent them to pronounce.' In 1310, in the town of Paris alone, 546 imprisoned Templars, many of whom had made confessions, declared that they wanted to defend the Order because they had never seen anything evil in it.

But the confessions obtained in 1307 by the inquisitor and his commissioners were always there, putting those who had made them in the alternative of being punished gravely for the crimes of which they were accused, or of being burnt as relapsed if they denied their confession. These avowals were made use of to obtain the final condemnation of the knights and of their Order. Pope Clement V mentioned them when he took up the matter himself, naming apostolic investigators to take the place

of the inquisitors of the commissioners. They were brought forward in the solemn assemblies which took place before the Pope and at Paris concerning the Templars; lastly, the agents of Philippe le Bel, and the most important of them all, Bérenger Frédol, Cardinal of Tusculum, brought them forward at the Council of Vienne in order to obtain from the Fathers the suppression of the Order, a prelude to the torture of its principal members.

Together with the Inquisitor-Confessor to the King, the principal mover of the whole affair was the man who had struck a terrible blow at the Papacy at Anagni, and whom Frédol was preparing to absolve, the lawyer who undermined canon law and thereby exalted monarchical right, Guillaume de Nogaret.

For it was in order to conduct the affair that he had received the custody of the Royal Seal on September 22, 1307; it was almost immediately after his nomination that the King decided upon the arrest of all the Templars (October 13, 1307).

Guillaume de Nogaret was even exceeded by another lawyer, Pierre du Bois. The latter seems to have conceived the idea of passing on all ecclesiastical property, even that of the Pope, the sentence of confiscation which was being prepared against the patrimony of the Temple. This has been pointed out by Renan. 'To make the King of France the head of Christendom on the pretext of a Crusade, to put in his hands the temporal possessions of the Papacy, a part of the ecclesiastical revenues, and especially the possessions of the orders devoted to the Holy War—that was the avowed project of the little secret group of whom Dubois was the theorist, and Nogaret the man of action.'

To turn the Inquisition in this way against the Papacy and to make it the instrument of the Crown was no trivial enterprise.

Clement V, whose intelligence was superior to his character, realised the solidarity existing between the Church and the Templars, both threatened by the political imperialism and fiscal policy of Philippe le Bel; he was quite aware, on the other hand, that the accusations made by Guillaume de Nogaret, the grandson of heretics, and perhaps a heretic himself in sympathy if not in mind, against the faith and morals of the Temple, were but a pretext in order to spoil and suppress it. Accordingly he endeavoured to sidetrack the case, the project of which had been communicated to him apparently at the end of 1306 after the famous secret council to which he had sent the Cardinals Bérenger Frédol and Etienne de Suisi.

Instead of the projected suppression of the Temple he suggested the fusion of the Hospitallers and the Templars whose programme of action and rules had so much similarity. He summoned to him the Masters of the two Orders, and requested from the Master of the Temple a memorandum on the subject, which has been conserved. That was not, however, what the King wanted; hence, cutting across the pontifical counter-project in preparation, he suddenly revealed his plan. Clement V thought he could stop its execution by gaining time, and with bitterness of soul, 'non sine magna cordis amaritudine, anxietate et turbatione,' he consented to an inquiry concerning the Templars. Philippe le Bel straightway transformed the inquiry into a trial, under the direction of Nogaret and the Inquisitor of France, Guillaume de Paris.

The former, by the general arrest of the Templars on October 13, 1307, and the latter by the general commission to hold the inquiry, which he gave on September 22, 1307, and the inquiry which he carried on until November 24, either personally or by the commissioners whom he had nominated in the whole of France, put the

Pope in presence of an accomplished fact: the opening of the trial, the interrogations of the Templars, and the confessions which had resulted from these.

When he learnt the news, the Pope was angry and indignant, and sent a letter to Philippe le Bel on October 27, 1308, accompanied by the two Cardinals, Bérenger Frédol and Etienne de Suisi, who were instructed to take under their protection the personnel and possessions of the Templars. Clement V thus announced his intention of conducting the inquiry himself, and a few weeks later (December 1308) he withdrew the matter from the Inquisition. Philippe le Bel sent a cautious reply, to the effect that the prisoners would always be at the disposition of the Church, but would remain in the Royal prisons, and that on the other hand their possessions would be used only for the needs of the Holy Land, although they would be sequestrated and administered by Bérenger, the King's man. The matter thus entered upon a diplomatic phase.

In order to counteract any desire to resist on the part of Clement V, the King made use of measures of intimidation against him constituting a veritable blackmail. He threatened him with a campaign of pamphlets. 'Let the Pope take care!' wrote his bosom friend, the lawyer Dubois, 'he is simoniacal; he gives the benefices of Holy Church to his near relations, he is worse than Boniface, who did not commit so many injustices; all this must cease!'

Clement V gave way before these threats, and sent the matter of the Templars to the approaching general council; meanwhile, in order to provide information and dossiers for the august assembly which he was going to convoke, he nominated apostolic commissioners, at the head of whom he again put Bérenger Frédol, to carry on the inquiry into the Templars. We need not concern ourselves with this, for the Inquisition did not

play any official part in it. But the whole matter had been staged by it in combination with the 'King's men,' and in accordance with instructions from Philippe le Bel.

The Inquisition, thus created by the Sovereign Pontiffs less than a year before to proceed against heresy in their name, had already become a political instrument in the hands of the King of France. This has been recognised by one of its most recent historians, M. Ch.-V. Langlois, who writes in Lavisse's *Histoire de France:* 'It was not the fault of the Keeper of the Seals in 1307 (Guillaume de Nogaret) that the Political Inquisition did not become acclimatised in France, after the manner of the countries of the South, the Guelph princes of Italy, and the "Catholic Kings" of Spain.'

There is no better way of saying that Philippe le Bel and Nogaret were the authentic forerunners of Philip II and Torquemada.

In the course of the fourteenth century, the Kings of France turned the Inquisition, which was first of all an essentially religious and pontifical tribunal, into a bastard jurisdiction, ecclesiastical and canonical in the composition of its personnel, but secular and legal in its relations to Parliaments, the 'King's men,' and the preponderant influence which the Crown exercised on its development.

This is clearly seen in 1322, when there appeared before the Inquisitor of Toulouse, Amiel de Lautrec, the Abbot of S. Sernin. He was summoned there, not now by the inquisitor, but by the Procurator of the King, and when he was acquitted by it, the King's Procurator appealed, not to the Pope, the supreme head of the Inquisition, but to the highest Royal Court, the Parliament of Paris.

When in 1329 Guillaume de Villars, the King's Commissioner, seized the Registers of the Inquisition, the head of the latter protested, not to the Curia, but

to the Parliament, which was regarded as a sort of appeal court from the Inquisition.

The decline in the power of the Papacy during its sojourn at Avignon, and still more during the Great Schism, accentuated the subjection of the Inquisition to the house of the Valois. In 1385, at Rheims, the Archbishop and the municipal magistrates quarrelled over the cognisance of the crime of heresy, and ended by signing an agreement, without even thinking that there existed at their side in Rheims an Inquisition which had received from the Pope the mission to repress blasphemy and heresy.

During the Great Schism, the University of Paris managed completely to supplant the Holy Office in the examination of doctrines and the cognisance of the crime of heresy. In 1362, preaching in the Cathedral of Châlons, and then in the churches of Notre Dame de Vallibus and of S. Alpin, the Dominican called Jean l'Eschacier had combated the belief in the Immaculate Conception, and the same evil-sounding doctrine had been taught by another Dominican, Jacques de Bosco. They were denounced by Maître Nicolas de Vertus, an Augustinian, and Jean de S. Medard, both professors of theology, and by several other persons, ecclesiastical and lay.

An inquiry was immediately held, in the name of the Bishop, by Galhard Frozin, the Vicar-General, and Nicolas de Vassy, a Dominican, sub-delegate in the town and diocese of Châlons of the Inquisitor-General of France. In presence of the Chapter, the two accused admitted the truth of the accusation, and they were condemned in the name of the bishop and the inquisitor, acting in concert according to the procedure laid down by the Council of Vienne.

But when in 1387 a Dominican of the Convent of S. Jacques in Paris, Jean de Montson, professed the

same doctrines, it was not the inquisitor who condemned him, but the University of Paris, which prosecuted all the Dominicans of Paris or elsewhere who had adhered to his opinion. It was the University which, supported by the Bishop and Chapter of Paris, carried on the case with such vigour that all the principal partisans of Montson and the latter himself were excommunicated by three Cardinals in the name of the Pope of Avignon, Clement VII. The Inquisition did not intervene in the course of this trial, although it was concerned with a religious of the Order which had charge of the Inquisition, which shows to what extent the University had taken its place as the guardian of orthodoxy against all heresies.

In reality, it had no more real life except that which was given it by the Royal government or the party in power when they thought it useful for the more speedy destruction of an opponent to have him condemned for heresy by the Holy Office. We have an interesting example of this in the trial by the Inquisition of the sometime Provost of Paris, Hughes Aubriot, in 1381.

On January 21, 1381, Aymeric de Magnac, Bishop of Paris, Pierre Godefroy, the official of the episcopal curia, and the Dominican Jacques de Morey, Inquisitor of France, summoned him before the tribunal of the Inquisition to answer to the accusations of 'heresy, bougardry, of sodomy, and of being a false Christian.' After an attempt to resist by appealing to the Court, Aubriot went to prison on February 1 following.

The accusation was upheld vigorously by the delegates of the University of Paris, while Philip the Bold, Duke of Burgundy, and uncle of the young King Charles VI, several Burgundian nobles, and the first president of the Parliament, Philibert Paillart, defended Aubriot.

Finally, on Friday, May 17, 1381, in front of the main door of Notre Dame, on a platform erected for the

occasion, Aubriot had to recant in the presence of 40,000 persons, among whom were many students; then he was condemned to imprisonment for life by the inquisitor, and taken back to the dungeons of the Bishop's palace. In the month of March following (1382), the insurrection of the Maillotins restored him to freedom, and he fled to the Pope of Avignon, Clement VII, who cancelled the sentence of the Inquisition and set him at liberty.

In view of the nature of the crimes, and the position of the judges, this case seems to concern faith and morals; but in reality, if we consider the former career of the Provost, his enemies, the circumstances of his arrest and of his condemnation, we see that the Inquisition was simply the instrument of a party against him, and that the trial was a political one.

Aubriot had been nominated Royal Provost of Paris when, after the abortive attempt by Etienne Marcel, Charles V had suppressed the elected provost of the merchants and instead placed at the head of the capital a royal functionary nominated by him and depending only upon him. During the whole of the reign of Charles V he had held in check the communal aspirations of the Parisians, upheld by the University, and he had acted as a King's man. But he had sometimes acted with severity, and on many occasions masters and students had complained to the sovereign about him.

After the death of Charles V (1380), his power was no longer the same. During the minority of the young Charles VI, the power passed to the princes who were brothers of the late King, who made haste to dismiss the inferior people by whom Charles V had governed. The Chancellor, Pierre d'Orgemont, had to withdraw in September 1380, and he was soon followed by Jean Le Mercier, previously Treasurer for War and Adviser of Grants.

The moment seemed to the University propitious for the satisfying of its enmity against the Royal Provost. It began by traducing him before the Parliament of Paris, complaining of the violence it had suffered on the day of the funeral of Charles V ; but perceiving that several members of this sovereign court, and above all its President, Paillart, who was also a Burgundian, were favourably disposed towards him, the University thought it better to transfer the attack to the Inquisition, and it there instituted a trial for heresy.

From this simple account it is clear that the accusation of Hugues Aubriot, his condemnation, and his rehabilitation, were brought about through politics. It was the Provost of Paris, hostile to its privileges and immunities, that the University opposed with such hatred ; it was the friend of Charles V who was rehabilitated by the Pope, Clement VII. In this manner, as in that of the Templars, the Inquisition was the instrument of political hatred, and not the guardian of orthodoxy.

The trial of Joan of Arc is another proof of the subjection of the Inquisition to the civil power in its period of decline ; it reminds us in several points of the case of the Templars.

When Jean de Luxembourg had Joan of Arc delivered up to him by the Bastard of Wandomme who had taken her prisoner at Compiègne, he at first refused to deliver her to the English, as the University of Paris claimed her on behalf of the Ordinary. But the Ordinary of the place in which the Maid had been taken, Cauchon, Bishop of Beauvais, insisted that she should be delivered to the English, and Jean de Luxembourg sold her for ten thousand florins. What did the English do with this girl who had done them so much harm, and whom they had desired so much to have in their power ?

They could have put her to death on almost any pretext ; they preferred however to make her the object

of a religious trial ending in a canonical condemnation pronounced in the name of the Church and of God himself, for this condemnation would shatter the wonderful reputation which the faith had given her; this envoy from God, the depositary of the secrets of heaven, whose garments were kissed by the crowds, would, after her condemnation, be only an escaped adventuress, declared guilty by the Church of having violated the most elementary laws of Divine and human morality.

For the staging of this process, they had a man quite ready, the Ordinary of the place in which Joan had been captured, a prelate wholly devoted to England, Pierre Cauchon, Bishop of Beauvais.

He had always belonged to the Burgundian party. In 1413, when a Canon of Rheims and of Beauvais, he had put himself at the head of the Cabochian disturbance at Paris. In 1414 he had been the ambassador at the Council of Constance of John the Fearless, Duke of Burgundy, and had there taken up the defence of the Franciscan Jean Petit, the apologist for the assassination of the Duke of Orleans. He had had benefices showered upon him through the intervention of the University of Paris, which had completely gone over to the Burgundian party. When elected Bishop of Beauvais, on the recommendation of the University, he was installed in his diocese by Philip the Good, Duke of Burgundy. When the Treaty of Troyes had made the King of England the heir presumptive of the King of France, he served the English party; this caused him to be made executor of the will of Charles VI and the adviser of the young King of England, Henry VI. When the French entered Beauvais (1429), he withdrew to Rouen, where he sat on the Great Council of the Duke of Bedford, Regent of England and Governor of Normandy.

The English could not have entrusted the case of

Joan of Arc to a prelate more devoted to their interests. He accepted the post, and persuaded the Chapter of Rouen, the see being vacant, to give him power to exercise at Rouen his jurisdiction as Bishop of Beauvais over Joan of Arc (December 28, 1430).

The Inquisition had already concerned itself with the affair. Learning that the Maid had been taken prisoner and was in the hands of the Duke of Burgundy, two agents of the Inquisitor of France, Le Fourreur and Hébert, had written to the latter to ask that she should appear before them. 'Using the rights of our office, and the authority committed to us by the Holy See of Rome, we instantly require and enjoin for the sake of the Catholic faith, under pain of law, the above-mentioned and all other persons of whatsoever state, condition, pre-eminence and authority, to send and bring to us as a prisoner as soon as may be done suitably and with safety, the said Joan, vehemently suspected of many crimes savouring of heresy, in order that she shall appear before us against the Procurator of the Holy Inquisition, and to reply and proceed as is right to the good counsel, favour and assistance of the good doctors and masters of the University of Paris and other notables of this side.'

According to this text, the Inquisition of France had already on May 26, 1430, manifested its intention itself to judge Joan at Paris, with the aid and assistance of the Masters of the University. It was therefore in formal opposition to this claim that Cauchon instituted the proceedings at Rouen, with the authorisation of the Chapter of that town.

He carried it on through several sittings, nominating assessors, ordering preliminary inquiries, without seeming to worry about the Inquisition. The first sitting took place on January 9, but it was not until February 17, in the afternoon, that the Vicar-General of the Inquisition at Rouen was invited by Cauchon to take part in the trial.

'This same Monday, about four o'clock in the afternoon, at our request, there appeared in our house the venerable and discreet Master John le Maistre, of the Order of Friars Preachers, Vicar of the Lord Inquisitor of the Kingdom of France, deputed by him for the city and diocese of Rouen.'

The Inquisitor of France at that time was Jean Graverent, prior of the Convent of S. Jacques in Paris. At the time when the trial of Joan was commencing, he was beginning another himself at Coutances, that of Jean le Couvreur, a burgher of St. Lô; that is why Cauchon summoned in his place his delegate at Rouen, Jean le Maistre.

The latter seems to have been in no hurry to accept the invitation of Cauchon. He pointed out that the case belonged to the diocese of Beauvais, and was only being held at Rouen by a special permission of the Chapter. Accordingly he suggested that he could not take part, having no delegation from the Inquisitor of Beauvais: Cauchon had to ask Graverent for a special delegation of Le Maistre for the trial of Joan, and obtained it. So from that time Le Maistre took part in the sittings, and in the final condemnation.

The trial of Joan was thus indeed an inquisitorial trial conducted by the Ordinary Cauchon, and the Inquisitor Jean le Maistre, according to the prescriptions of the Council of Vienne. But what strikes us when we read the reports of the trial is the subordinate part played by the Vice-Inquisitor. It was the Bishop of Beauvais who conducted all the discussions, and carried on the trial, and Joan herself proclaimed this when she apostrophised him thus: 'Bishop, it is by you that I die.' In the reports of the sittings, Jean le Maistre is simply mentioned without special rank among the assessors and doctors forming the tribunal. When on March 13, 1431, having received a regular commission from

Graverent, he designated the promoter and notary of the Inquisition charged to watch the proceedings with him, Jean le Maistre chose the very ones who had been already appointed for this end by Cauchon : as promoter, d'Estivet, Canon of Bayeux and Beauvais, one of the bishop's trusted men, and Jean Massieu as notary. It was only in the 'official process' which began on March 26, that the tribunal was said to be presided over by Cauchon and the Vicar of the Inquisitor. The citation to hear the definitive sentence was made in the name of both, and the judgement also passed by both.

There is something still more evident than the secondary part of the Vice-Inquisitor in an essentially inquisitorial matter, and that is the influence exercised by the civil power represented there by the Duke of Bedford. Doubtless he did not appear there officially, but he conducted it through Cauchon, who played in the trial of Joan of Arc the same part which the Inquisitor Guillaume de Paris and Cardinal Bérenger Frédol played in the case of the Templars. This is brought out by a French historian who has studied the matter, and who has a decided tendency to attenuate, not its injustice, but its irregular character, Monsieur Pierre Champion. 'It was the English Council of Bedford,' he writes, 'which designated Cauchon in order that he should declare Joan to be a sorcerer, and which furnished the ten thousand pounds required for her purchase. Although Bedford appeared only once in the case, and in a strange attitude for a noble Duke, although he seems to have given way to Cardinal Beaufort, that violent and orthodox prelate, there is no doubt that Bedford personally conducted the whole affair. We recognise everywhere his powerful mind ; we find his creatures among the judges : Pasquier de Vaux, his chaplain, Jean Ponchon, who represented the Chapter of Rouen in his name, Jean Bruillot, who besought him not to sacrifice the Chapter of Rouen to

his dear Carmelites. . . . When we see the English Government buying the Maid from the Burgundians for a considerable sum, paying the expenses of the trial, when we know that on January 3, 1431, the Council wrote: "It is our intention to review and have brought before us the said Joan if she is not convicted and found guilty of the above offences," it is beyond doubt that the case which the English were going to institute was indeed to be in their name.'

The cases of governmental pressure on the judges who were not sufficiently zealous are proved: A witness, Houppeville, said of the judges that 'some acted in favour of the English, and the others out of fear.'

The Bishop of Beauvais proclaimed himself to be the direct agent of the English Government when, replying to Joan who refused him, he cynically declared, 'The King has ordered me to try you, and I will do so.'

It suffices to quote these words to show to what extent the Inquisition in the fifteenth century had become an institution more governmental than religious.

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Mediaeval Inquisition

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